

**SELECTED WORKS OF MOTILAL NEHRU**

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## PREFACE

It gives us great pleasure to present the third volume of *Selected Works of Motilal Nehru* to scholars interested in the struggle which the people of India waged against the greatest imperial power known to human history.

The contents of this volume are somewhat different from those of earlier volumes in the series. After the suspension of the non-cooperation movement in February 1922, the All India Congress Committee, at its meeting of 6-8 June, 1922, adopted a resolution stating that a "few gentlemen" be nominated to "tour around the country and report on the situation to the next meeting." As a result of this, *Hakim Ajmal Khan*, the acting President of the Congress, appointed a Committee of which Motilal Nehru was a member to undertake this task.

The *Report* of the Committee, drafted by Motilal Nehru, is a detailed and illuminating account of the non-cooperation movement; and the manner in which the British Government sought to crush it. It is reproduced here as a valuable record of a seminal phase of the liberation movement in India.

We would, in conclusion, like to thank our colleagues in the Nehru Memorial Museum and Library who have made our task possible. Among them Dr. Hari Dev Sharma, Shri S.R. Mahajan, Shri J.S. Nahal, Dr. S.R. Bakshi, Dr. Shila Sen, Shrimati Indrani Henderson and Kumari Deepa Bhatnagar deserve special mention.

RAVINDER KUMAR  
D.N. PANIGRAHI

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***REPORT OF THE CIVIL DISOBEDIENCE  
ENQUIRY COMMITTEE***

*(Appointed by the All India Congress Committee, 1922)*

To

**DESHBANDHU CHITTARANJAN DAS**  
 President 36th Indian National Congress  
 Ex-Officio President All India Congress Committee  
 Calcutta

Sir,

We beg to submit the following Report in compliance with the resolution passed by the All India Congress Committee at its meeting held in Lucknow in June last. The circumstances which led up to the appointment of our committee are briefly indicated in that resolution. They form a part of "the situation" which we are called upon to investigate and are stated more fully in our Report.

In consultation with the members of the Working Committee present at its meeting held on the 9th June, Hakim Ajmal Khan, the Acting President of the Congress, appointed a Committee consisting of himself and the following members:

Pandit Motilal Nehru

Syt. C. Rajagopalachariar

Dr. M.A. Ansari

Syt. V.J. Patel

Seth Jamnalal Bajaj

Seth M.M.H.J.M. Chotani

Hakim Ajmal Khan being the Acting President of the Congress was the *ex-officio* Chairman of this Committee.

Seth Jamnalal Bajaj could not accept the offer owing to his preoccupation with the All India Khaddar Scheme. Mrs. Sarojini Naidu was asked to take his place, but owing to ill-health she was prevented from doing so. The Chairman then invited Syt. S. Kasturi Ranga Iyengar who cordially responded and joined the Committee at Jubbulpore. Seth Chotani was unable to join in the tour or take part in the meetings of the Committee.

Syts. Hasan Mohamed Hayat, Mobamed Abdul Basit and Lalji Mehrotra were appointed Honorary Secretaries of the Committee and have discharged their duties with devotion and care. But for their willing and untiring help it would have been impossible to arrange, classify, and analyse the mass of evidence adduced before us or to prepare the elaborate indices appended to the Report.

We desire to express our sense of obligation to the leading Congressmen of every place visited by us for the valuable assistance rendered by them and to the numerous workers and volunteers all over India who, one and all, strove not only to help us in our enquiry but to make us as comfortable as possible. We have special pleasure in placing on record our grateful remembrance of the warm and hearty reception accorded to us by many thousands of our countrymen, the Municipal Boards of Jubbulpore, Poona, Bijnapur, Erode, Guntur and Bezwada and other public bodies too numerous to mention.

To Pandit Motilal Nehru the other members of the Committee desire to express their indebtedness for writing the Report amidst much personal and domestic inconvenience.

Allahabad  
30th October, 1922,

We are, Sir,  
Yours faithfully  
Ajmal Khan  
Motilal Nehru  
M.A. Ansari  
C. Rajagopalachariar  
V.J. Patel  
S. Kasturi Ranga Iyengar

## INTRODUCTION

### *The Appointment of the Committee*

1. The following resolution was passed by the All India Congress Committee after prolonged discussion at its meeting held on the 6th, 7th and 8th June 1922:

"This committee records its satisfaction that although in spite of the suspension of all aggressive activities by the Congress Committee repression in a most severe form has been resorted to by the government in several parts of the country, the spirit of the Congress workers has not been daunted and the constructive programme laid down by the Committee is being loyally carried out at great sacrifice in every province.

"The Committee has taken note of the widespread feeling that in view of the extremely unfair manner in which the policy of repression is being carried out by the Government the country should be advised to resort to some form of civil disobedience to compel the Government to abandon their present policy and to agree to concede the Triple Demand of the Congress. But the Committee is of opinion that the carrying out of the Constructive Programme will be the best preparation for even mass civil disobedience while it will also be the most effective means of furthering the objects of the Congress. The Committee, therefore, earnestly appeals to the country to concentrate all its efforts upon carrying out the Constructive Programme to the fullest extent and to endeavour to complete it within the shortest period possible.

"That the further consideration of the question whether civil disobedience in some form or some other measure of a similar character should be adopted, should be taken up at the next meeting of the Committee to be held at Calcutta on the 15th of August next.

"That in the meantime the President be requested to nominate and authorise a few gentlemen to tour round the country and report on the situation to the next meeting.

"*Note.* This resolution does not in any way affect the resolution passed at Delhi on 25th February last."

### *Scope of the Enquiry*

2. The resolution quoted above embodies the terms of reference to us. As we understand those terms, we are called upon to report on the general situation in the country and place all available material before the All India Committee which may help in the "further consideration of the question whether civil disobedience in some form or some other measure of a similar character should be adopted." The term "civil disobedience" appears to be wide enough to include all forms of non-violent disobedience of law or orders having the force of law. But, however wide the field it may cover, it is, in common with all other Congress activities, subject to the restriction that the line of action chosen must not offend

against the principle of non-cooperation accepted by the Congress, nor come into conflict with the programme laid down at the special session held in Calcutta and the regular sessions held at Nagpur and Ahmedabad. We take it that the All India Committee has no power to go behind the resolutions passed at these sessions and entertain proposals inconsistent with them. It follows that the civil disobedience or other similar measure, the adoption of which is to be considered at the next meeting of that Committee, must be confined to some action authorised or permitted by the Congress resolutions as they stand, and that the "situation" which we have to investigate is intended to have a bearing on such action. That being so, all questions involving a modification of those resolutions in any particular would, ordinarily, be entirely beyond the scope of an enquiry of the nature we are called upon to make.

### *Nature of Evidence Taken*

Having regard, however, to the fact that changes in some items of the non-cooperation programme were insisted upon in certain responsible quarters long before our Committee was appointed, and in view of the further fact that the All India Congress Committee may be advised to make some recommendations in that behalf to the Congress, we invited and have since admitted evidence on all points bearing upon the future progress of the whole movement as will appear from the questions issued (Appendix I) and the tabular synopses of the evidence recorded (Appendices III-VII). This course appeared to us all the more desirable as it was calculated to serve the twofold object of collecting valuable general information without extra trouble and expense, and of relieving to some extent the tension of public feeling which had been apparent for some time past. We are glad to be able to state that our expectations in this respect have been realised. In the process of collecting a store of useful material we have by *viva voce* examination of witnesses cleared much of the mist that had gathered round the movement. This material will be available when the occasion to deal with it arises. We have, on all the points, endeavoured so to arrange and classify the evidence as to indicate the general feeling on any particular subject at a glance.

### *The Procedure*

3. The procedure followed in taking evidence was first to call for written answers to the questions published in the press and supplied to the various Congress Committees, and then to examine such witnesses *viva voce* as offered themselves. The written answers received in any centre were arranged in convenient groups representing distinct sets of opinions, and witnesses belonging to each group were then asked to elect a spokesman who was examined at length in the presence of other members of his group. After his examination was completed, each member of the group was allowed full opportunity to state his points of difference, if any, from the spokesman, and these points were duly noted. With a view to avoid invidious distinctions we refrained from sending out special invitations to selected gentlemen asking them to give evidence before us, and considered



the general invitation implied in the publication of the questionnaire to be sufficient for all practical purposes. We have shut out no evidence of any kind offered to us and the opinions collected are fairly representative of all shades of political thought within the Congress.

We received written answers from 459 witnesses of whom 366 were orally examined by us, the remaining 93 not attending.

### *Enquiry 'in Camera'*

4. The *viva voce* examination was conducted *in camera* for the obvious reason that an enquiry of this kind is, in its very nature, of a confidential character. We preserved this character with a view to encourage the witnesses to speak out their candid opinions without let or hindrance. Some of them, however, have published their written answers though the fact, that the enquiry was being held *in camera* and that the representatives of the press had been excluded from the very beginning, was duly notified. On the question being raised at Poona, the Chairman left it to the discretion of the witnesses to deal with their written answers as they pleased but adhered to the decision in regard to the *viva voce* part of the evidence for the reasons stated.

### *Evidence not Printed*

5. After the completion of the enquiry certain members of the All-India Congress Committee suggested the printing of the whole evidence to enable members to have copies in good time before its next meeting. The proposal was considered by the Committee, but in view mainly of the heavy expenditure involved, the printing of the voluminous evidence was not undertaken. Careful charts and tables briefly summarising the evidence on each head of enquiry have, however, been prepared to form a part of the report (See Appendices III-VII) and facilities have been provided for the inspection of the complete record at six important centres *viz.*, Madras, Poona, Bombay, Delhi, Allahabad and Calcutta. This course was approved by the President of the Congress.

### *The Tour*

6. The itinerary of our tour is appended (See Appendix II). It will be noticed that in view of the original date fixed for the meeting of the All-India Committee (August 15th) we had to compress our programme within very narrow time-limits. We were compelled to omit Sind, Ajmere-Merwara and Central India and Bihar entirely from our programme and could only visit the principal towns in the other Provinces except the U.P. where the importance of Cawnpore and Allahabad claimed a short stay at each. It was arranged to examine witnesses from the Provinces originally omitted at such centres on the programme as were convenient to the Provinces concerned. The Ajmere-Merwara and Central India witnesses were accordingly examined at Ahmedabad. The Sind witnesses were also to be examined at Ahmedabad but they could not attend. All this time it was felt that the date of the next meeting of the All India Committee having been fixed by that Committee itself by formal resolution passed at Luck-

now, it was not competent to the Enquiry Committee to alter it; but some time after the tour had begun letters were received from certain members suggesting a postponement of the meeting of the All India Committee on the ground that the great Hindu festival of Janmashtmi fell on the 16th August, and from certain other members asking for more time to consider our report than would be available to them if the original date was adhered to. In view of these suggestions a circular letter was issued by the Working General Secretary to all the members, and the replies received from most provinces favoured a postponement. Hakim Ajmal Khan, as the Acting President of the Congress, accordingly fixed the 15th September for the next meeting of the All India Committee and this enabled us to visit Patna, and relieve the witnesses from Bihar from undertaking the journey to Calcutta. Time has now been further extended by Mr. C. R. Das, the President, under circumstances already notified to the members.

### *Propaganda*

7. We have already stated the procedure followed in the examination of witnesses at the places visited by us. It is necessary to add that the recording of evidences was not the only work done. We took occasion to visit several Khaddar manufacturing centres in Southern India and Assam. Our visit to Tezpur (Assam) was specially instructive. We were gratified to find that the ancient cottage industry of the Assam Silk cloth manufacture which was on the decline had received an impetus by the Congress propaganda. In the course of our tour we have also freely availed of the opportunities which came to us to address public meetings. These were as a rule attended by large audiences varying from five to thirty thousand or more. We were accorded the warmest of welcomes wherever we went by immense crowds of men and women of all classes and were honoured by the Municipalities of Jubbulpore, Poona, Bijapur, Erode, Guntur and Bezwada, and numerous influential public bodies who presented addresses to us. The enthusiasm which prevailed everywhere stood out in marked contrast to the despondence of some of the witnesses who appeared before us. We shall deal with the different phases of public feeling which presented themselves to us, and the causes to which they have been attributed, in their proper place but it may be generally stated here that we have met no man or woman, in any part of this vast country, who has not the success of our movement at heart. We are convinced that no amount of repression or oppression can affect the deep-rooted desire of the people for immediate Swarajya.

### *Gravity of the Task*

8. It has fallen to us to examine the magnificent work of 'the greatest man of the age now resting behind the walls of the Yeravada prison. The gravity of our task, apparent as it was at the outset, impressed us more and more strongly as we proceeded with the enquiry. At every step we realized the invaluable guidance afforded by the general plan so carefully worked out by the masterful genius who till recently directed the

campaign in person. We were naturally reluctant to put it lightly away in his absence from the field of operations. Great, however, as is our respect and admiration for Mahatma Gandhi, we have not allowed it to come in the way of our clear duty. We have approached his work with reverence but have examined it with care. We have endeavoured to face existing conditions with an open mind controlled only by our unshakeable faith in the high purpose of the great movement. We have wholly discountenanced open revolt against the general scheme of non-violent non-cooperation at one end and utter subservience to the minutest detail at the other.

## CHAPTER I

### THE ADVENT OF NON-COOPERATION

#### *The Crisis of 1919*

9. The year 1919 was remarkable for the happening of events destined to leave a lasting impression on the history of India. It began with the appearance of what Mahatma Gandhi called at the time "an unmistakable symptom of a deep-rooted disease in the governing body", popularly known as the Rowlatt Bill. It is common knowledge how this obnoxious measure was passed into law in the teeth of unanimous Indian opposition in and out of the Council. The same year witnessed the passing of a Reform Act, or, as the country as a whole rightly apprehended it to be, an apology or an eye-wash for real reform. In that year, also occurred the infamous but never forgettable Punjab atrocities. In unwilling response to a strong and insistent demand for a Royal Commission, only a committee of enquiry presided over by Lord Hunter was appointed and that by the Government of India whose conduct itself was in issue. While Government was still marking time a committee of enquiry, with Mahatma Gandhi and other eminent lawyers, was appointed to enquire into the matter under the auspices of the Congress. The Congress refused to lead evidence before the Hunter Committee as the Government of the Punjab refused to allow the leaders in prison to appear in person and tender evidence before the Committee. A step in non-cooperation was thus taken.

#### *The Amritsar Congress*

10. Whilst both the official and Congress enquiries were proceeding, the Amritsar Congress met Two or three days previous to the assembling of the Congress, on the 24th December, 1919, a Royal Proclamation was issued giving His Majesty's assent to the Reform Act and granting a general amnesty to those concerned in the Punjab "rebellion" who were not guilty of actual violence. As a result thereof the Ali Brothers and the Punjab leaders who had been condemned to various terms of punishment were released and their unexpected entry into the Congress *Pandal* evoked the greatest enthusiasm. The disclosures of official barbarities made in the evidence given before the Hunter Committee had sent a thrill of horror throughout the country. On top of this, came the grievous discontent caused by the ludicrously small "concessions" in the Reform Act. The Congress felt itself insulted at this poor half-hearted measure, but in response to the earnest appeal of Mahatma Gandhi and the Moderate leaders, resolved for the time being that while the reforms were "inadequate, unsatisfactory and disappointing" the Congress would work them for what they were worth.

#### *Special Congress Sessions Called*

11. Two months after the Congress concluded its sessions, the report of the Congress (Punjab) Enquiry Committee was published (March 1920).

The details disclosed in the report were received with indignant horror in the country and the Government's delay in publishing the Hunter Report roused widespread suspicion. This was confirmed when on 3rd May 1920 the majority and minority Reports of the Hunter Committee and unsatisfactory despatches of the Government of India and the Secretary of State thereon were published after the Government had shut out the ordinary legal remedies to the subject by passing an Indemnity Act. The All India Congress Committee, after this lost no time in meeting to consider the question and decided on summoning a special session of the Congress at Calcutta.

### *Towards Non-cooperation*

12 It has been regarded in India from times immemorial as the highest duty of the people to refuse to assist a Government that will not listen to their grievances. The inherent right of the subject to compel redress has in India been generally asserted by voluntarily and peacefully undergoing suffering to the utmost when feeling is genuine and deeply stirred. It is this ancient practice which in the troublous times of the Partition of Bengal suggested the idea of withdrawing cooperation from the Government in certain directions. Presiding at the Benares session of the Congress in 1905 the late Mr. Gokhale referring to the influential opinion which had ranged itself against the Partition, uttered the following prophetic words:

"If the opinions of even such men are to be brushed aside with contempt, if all Indians are to be treated as no better than dumb, driven cattle; if men whom any other country would delight to honour are to be thus made to realize the utter humiliation and helplessness of their position in their own country, then all I can say is: 'Good-bye to all hope of cooperating in any way with the bureaucracy in the interests of the people. I can conceive of no greater indictment of British rule than that such a state of things should be possible after a hundred years of that rule.'"

Two years later the late Lokamanya Tilak expounded the principle of non-cooperation in a remarkable speech and was followed up by Mr. Gokhale in 1909 who, in moving the resolution regarding Indians in South Africa, at the Lahore Congress, thus explained the doctrine of 'passive resistance' which is merely one form of non-cooperation:

"What is the passive resistance struggle? It is essentially defensive in its nature and it fights with moral and spiritual weapons. A passive resister resists tyranny by undergoing suffering in his own person. He pits soul-force against brute-force; he pits the divine in man against the brute in man; he pits suffering against oppression, pits conscience against might; he pits faith against injustice; right against wrong."

Let those who invoke the blessed memories of Gokhale and Tilak, in and out of season, to run down non-cooperators ponder over these

noble sentiments. While the clear political insight of both these devoted patriots clearly saw the shadows cast by coming events, it was left to Mahatma Gandhi to expound a practical policy and programme of non-cooperation and to lead the struggle against a Government which had forfeited the confidence of the people. Time was now ripe. The denial of justice in the matter of the Punjab atrocities and of the Khilafat had deeply stirred the country to the innermost depths of its soul. The seed thrown by Mahatma Gandhi fell on prolific soil and immediately took root.

### *First Khilafat Resolution*

13. The All India Khilafat Conference held at Delhi in November 1919 resolved to withdraw cooperation from Government, under the advice of Mahatma Gandhi, if the Khilafat question was not satisfactorily settled. The resolution was in general terms and stated that in the event of the Khilafat question not being satisfactorily solved, "the Mussulmans of India shall progressively withhold all cooperation from the British Government". This decision was re-affirmed by the Calcutta meeting of the Muslim League and by other conferences in the country. The Madras Khilafat Conference held on the 17th April, 1920, further defined the nature of the progressive scheme of non-cooperation to be (1) renunciation of honorary posts, titles and membership of Councils; (2) giving up of posts under Government; (3) giving up of appointments in the police and military forces and (5) refusal to pay taxes.

### *Leaders' Conference at Allahabad*

14. Although at this stage the movement of non-cooperation was concerned mainly with the Khilafat question, Mahatma Gandhi resolved to refer the question to a Conference of leaders of all parties which met at Allahabad on the 2nd of June, 1920. At this Conference the policy of non-cooperation was decided upon and a committee was appointed consisting of Mahatma Gandhi and some of the Muslim leaders to draw up the programme. The committee published the programme in July and it was in this programme that the boycott of schools and colleges and of law courts first figured.

### *The Calcutta Congress*

15. In the meantime the political situation had become worse. The attitude of the Government had become clearer in regard to the Punjab, the Khilafat and the Reforms, and the Punjab debate in both Houses of Parliament had destroyed the last vestige of faith in the Government. It was generally agreed that the time had come for vigorous action. The special Congress, which met at Calcutta in September 1920, was called upon to consider the programme as well as the policy of non-cooperation. In the Subjects Committee all Muhammadan members, except Mr. Jinnah, voted with the Mahatma, while many prominent non-Muslim Nationalists supported Mr. Das, who led the opposition to Mahatma. It is noteworthy that in the Subjects Committee and, to a lesser extent

in the open Congress, Mahatmaji was met with no inconsiderable opposition on the question of this triple boycott. But the extreme disappointment in the country in the matter of the redress of the Punjab and Khilafat wrongs and the illusory nature of the Reforms, coupled with the towering personality of Mahatmaji enabled him to carry his programme through the Congress (See Appendix IX. A). The next three months were almost exclusively devoted to an intense propaganda to popularise the triple boycott.

### *The Nagpur Congress*

16. The Nagpur Congress met in December, 1920, under very favourable conditions. The Council elections had been held and all Nationalists including those who dissented on the boycott of Councils had stood aloof in obedience to the Calcutta resolution. The question had now passed out of the domain of practical politics for the next three years and all Congressmen were united in opposing the unbending policy of the Government. Boycott of schools and courts still found sturdy opposition in certain influential quarters but the great bulk of the 14,000 and odd delegates were firm in their resolve to adhere to the Calcutta resolution which was re-affirmed, revised and re-cast in a form acceptable to all parties in the Congress.

### *Boycott of H. R. H. The Duke's Visit*

Another important resolution passed at Nagpur advised the people of India, in pursuance of the policy of non-cooperation, to refrain from taking any part in the functions or festivities in honour of H. R. H. the Duke of Connaught during his visit to India. H. R. H. arrived in India in January, 1921, soon after the Nagpur Congress. The boycott of the Royal Visit was a striking success and proved the determination of India, manifested by the complete and spontaneous *hartals* in each of the towns where the Duke made his entry, to free herself from her present position of bondage and humiliation amongst the nations of the world. While the Duke received the official welcome in Calcutta and Delhi through deserted streets, Mahatma Gandhi's meetings attracted thousands in other parts of the same towns to listen to the gospel of liberty.

### *The New Constitution*

The Nagpur Congress also adopted a new constitution in place of the old. The leading features of this were a change in the terms of the Congress creed, distribution of the Provinces on a linguistic basis, re-organisation of the Congress and its subordinate committees, regulation of the elections and number of delegates, and the appointment of a Working Committee. This new constitution with the position assigned to the Working Committee of the All India Congress Committee thereunder has, it has been objected, favoured centralisation of authority. As the chief continuously functioning executive body of the Congress, inspired and guided by Mahatmaji, it has undoubtedly assumed consi-

derable importance and taken a large share in directing Congress policy; but this was inevitable in the very nature of things.

### *Men, Money and Munitions*

17. By the month of March, attention began to concentrate more on the constructive side of the movement. The All India Congress Committee met at Bezwada on March 31st and passed resolutions calling upon the country to concentrate attention on (1) collecting a crore of rupees, (2) enlisting a crore of members and (3) introducing 20 lakhs of charkas into Indian households by the 30th of June, 1921. The country took up the work in right earnest and the crore was over-subscribed in time though complete success was not achieved in the other two items which could not receive sufficient attention.

### *Constructive Side of Congress*

18. The succeeding months of 1921 were remarkable for the great insistence placed on the constructive side of Congress activities and at the meeting of the All India Congress Committee held at Bombay attention was specially concentrated upon "attaining the complete boycott of foreign cloth by the 30th September next and manufacture of Khaddar by stimulating hand-spinning and hand-weaving" Detailed instructions were issued to subordinate Congress organisations and all Congressmen for the successful achievement of that object. Resolutions were also passed boycotting the forthcoming visit of H. R. H. the Prince of Wales, approving the picketing of liquor shops, which had already begun, deploing the mob excesses at Aligarh and Malegaon, and authorising the Working Committee to frame a statement of the Foreign Policy of the Congress to be laid before the next meeting of the All India Committee for consideration

### *Restricted Civil Disobedience Sanctioned*

The most important decision of that meeting directly relevant to the present enquiry was contained in the last paragraph of Resolution No. 4 which ran as follows:

"The All India Congress Committee has taken note of the reasonable desire of workers in the United Provinces and other parts to take up civil disobedience in answer to the repressive measures of Local Governments and has also taken note of the fact that the administration in the North-West Frontier Province has even prohibited the entry into that Province of the members of the Frontier Enquiry Committee appointed by the Central Khulafat Committee to enquire into the outrages alleged to have been committed by the local officials in Bannu; but with a view to ensure greater stability of non-violent atmosphere throughout India and in order to test the measure of influence attained by the Congress over the people and further in



order to retain on the part of the nation an atmosphere free from ferment necessary for the proper and swift prosecution of Swadeshi, the All India Congress Committee is of opinion that civil disobedience should be postponed till after the completion of the programme referred to in the resolution on Swadeshi, after which the Committee will not hesitate, if necessary, to recommend a course of civil disobedience even though it might have to be adopted by a special session of the Congress; provided, however, that it is open to any Province or place to adopt civil disobedience subject to the previous approval of the Working Committee obtained within the constitution through the Provincial Congress Committee concerned."

### *Inherent Right of Opinion*

19. The All India Congress Committee next met at Delhi on the 4th and 5th November after the arrest and imprisonment of the Ali Brothers which violently disturbed the even tenor of Swadeshi and temperance work enthusiastically taken up by the people in response to the resolution passed at the preceding meeting. The committee gave its answer by authorizing "every Province on its own responsibility to undertake civil disobedience including non-payment of taxes in the manner that may be considered the most suitable by the respective Provincial Congress Committees" subject to certain conditions; and further emphasised its settled conviction that the Ali Brothers were guilty of no offence in calling upon Government employees to resign their posts by declaring that "it is the inherent right of a citizen to pronounce his opinion upon the advisability or otherwise of Government servants leaving civil or military service and that it is the inherent right of every citizen to appeal in an open manner to the soldier or the civilian to sever his connection with a Government which had forfeited the confidence and support of the vast majority of the population of India." It also approved the resolution of the Working Committee on Foreign Policy.

The last meeting of the year was held on the 24 December which elected Hakim Ajmal Khan to act as the President of the ensuing Congress in place of Syt C. R. Das, the President-elect, then an under-trial prisoner.

### *Centralisation of Volunteer Boards*

20. We have not specially noticed the resolutions of the Working Committee as almost in every important matter they were subsequently adopted by the All India Congress Committee. Those having a special importance of their own are reproduced in Appendix XI. The meeting of the Working Committee held in Bombay on the 22nd and 23rd November was of special interest. The Criminal Law Amendment Act had been applied to the volunteer organisations in Bengal, the U. P. and the Punjab only a few days before, and the Resolution No. 5 passed by the meeting bringing all existing volunteer bodies under one central control was an acceptance of the challenge thrown out by the Government. Repression thereafter ran amuck.

In tracing the history of non-cooperation from its inception to the Ahmedabad Congress we have touched but lightly on the attitude of the Government and the general policy of repression inaugurated by it, as the subject, though an integral part of that history is important enough to deserve special and separate treatment. We shall deal with it in the next chapter.

## CHAPTER II

### THE ORGY OF REPRESSION

#### *Embarrassment of Government*

21. It will be seen from the events recorded in the preceding chapter how the mighty wave of non-cooperation once started rapidly spread throughout the country, gaining strength and volume as it rolled on from province to province. The Government were embarrassed at the startling success of the movement from the very beginning. They apprehended that at such a stage repression might strengthen the movement rather than check it. They, therefore, began with some pin-pricks such as depriving pensioners of pensions and landholding non-cooperators of irrigation water. Isolated prosecutions were also resorted to, but, on the whole, it seemed as if they had realised that to oppose the movement with force at that stage would be suicidal.

#### *"Rally the Moderates"*

22. Lord Chelmsford had to be content with pouring uneasy ridicule on the movement. It was this attitude which underlay the Government of India Resolution of November 6, 1920, which with amazing self-complacency left the "most foolish of all foolish schemes" to die of inanition. Repression not being thought advisable at that stage, strenuous efforts were made to rally the moderates. Lurid pictures were drawn of an India which would be plunged in anarchy and red ruin if the strong arm of the English were withdrawn. It was declared that non-cooperators were leading the country to Bolshevism and Anglo-Indian newspapers published sensational articles on an India being driven to the verge of a precipice. The Afghan bogey was raised to divide the Hindus from the Mussulmans. Feverish appeals were made to the Councillors to stand by the Government in the hour of its sorest trial. "I appeal to you members of this Council" harangued Sir Harcourt Butler "to assist your Government not only in this Council but actively in your constituencies".

#### *Sir Harcourt Butler in Panic*

His Excellency knew that his Council was no better than a Greek Chorus, and that its own support was of no consequence. Hence the appeal to the Councillors to venture out of the safety of seclusion and face the music outside. But the Councillors knew the nature of the reception in store for them, if they attempted to approach the electors, whose confidence they were supposed to enjoy, and wisely chose discretion as the better part of valour. This was soon apparent to Sir Harcourt Butler who now appealed to Commissioners of Divisions to help in rousing the moderates generally in a remarkable circular letter some choice passages from which are given below:

"Non-cooperation shifts its ground repeatedly according as it meets with success or failure while counter-moves of a restricted kind are labour-

ing to overtake the schemes which they have been powerless to anticipate."

"The moderate element in the country may be organised and led with the express object of defeating the Non-cooperation movement."

"If Government officers declare themselves openly against non-cooperation it may be possible to give the moderate opinion the coherence and initiative which it lacks."

Similar exhortations were made by other Provincial Governors.

### *Government of India Advises Provincial Governments*

23 By January 1921, it had become quite clear that Moderate opinion, useful as it was to hoodwink the British public, was of no avail to choke the popular movement. The result of the Nagpur Congress disappointed the Government, which had expected a division in the Congress camp among the Nationalists themselves. A new policy was, therefore, outlined in their letter to the Local Governments which was referred to by Sir William Vincent in his speech in the Assembly on March 23rd. "For the present, therefore," that letter stated, "the Government of India would prefer to rely on measures such as:

(1) keeping the closest possible watch on attempts by the non-cooperators to spread disaffection among the rural masses and the labouring classes in the big towns or industrial centres;

(2) the initiation and early enactment of remedial legislation wherever, as in the matter of tenancy law in some provinces, such legislation is required;

(3) counter-propaganda, as for example by giving the widest possible publicity to the intention of the Government to introduce remedial measures;

(4) the vigorous prosecution under the ordinary law of all persons who are guilty of making seditious speeches and of inciting to violence and against whom evidence is available.

The Government of India have already urged this measure to which they attach the utmost importance on Local Governments, and they must again express their regret that so far such prosecutions have been instituted only in a small number of cases. The Government of India have refrained, for reasons that have been fully explained to Local Governments, from prosecuting the leaders on the general charge of advocating non-cooperation. But they must again impress on Local Governments that this fact constitutes no reason for refraining from prosecuting others.

(5) the enforcement in general of respect for law. Cases have come to the notice of the Government of India in which large crowds have been allowed to indulge with impunity in demonstrations of an obviously unlawful character. Incidents of this kind can not but tend to weaken the respect for law and order amongst the masses of the people."

*Orgy of Repression*

24. It is no wonder that after this admonition the Local Governments all at once indulged in an orgy of repression. They expounded these instructions to their own district officials in circulars which duly dotted the i's and crossed the t's in the Government of India circular. The notorious Rainy circular in Bihar may be cited as an instance. The activities of non-cooperators were sought to be suppressed at every turn not only by the proclamation of the Seditious Meetings Act and the Criminal Law Amendment Act, but by a free lawless and tyrannical use of Section 144 and the security sections of the Criminal Procedure Code.

*Govt. Servants form Aman Sabhas*

25. The district officials were, by a modification of the Government Servants Conduct Rules, authorised to take part in political movements and thus enabled to use undue influence to promote what in the United Provinces are called Aman Sabhas—organisations, membership to which offered the temptation of immunity from official high-handedness. For a time some of the prominent Moderates took a leading part in the activities of these Sabhas but prominent Liberals who joined them had subsequently to resign their membership when they realised the true nature of these organizations. The ridiculous attempt to coerce the people into loving the Government was made, and proved a dismal failure. We draw special attention to the methods employed by the Sabhas detailed in the U.P. Provincial Report extracts from which are given in Appendix VIII. The instructions of the Government were blindly followed by the magistracy who surrendered their judgment to the exigencies of the administration—witness the debate in the Bihar Council on the order under Section 144 on Babu Rajendra Prasad on the ground, not that the Magistrate was satisfied that there was a likelihood of a disturbance of public tranquility but, that he acted in pursuance of the Government circular. In another case under Section 107, a police Sub-Inspector in the course of his evidence confessed that he sent a report against a non-cooperator on information received from a superior officer and the witness had to be given up as hostile.

*Britishers and Anglo-Indians Call for "Firmness"*

26. There is reason to believe that repression in its severe form was started as much in response to the call for it from England as to the apprehensions of the Government of India. The call for "firmness" intensified from day-to-day and the Emergency Committee of the Indo-British Association commenced an unscrupulous and violent propaganda against the movement. The Moderate element among the Britishers in India felt that the agitation in England would have mischievous consequences on the political situation in this country. But a telegram of caution to Lord Amphill, the President of the Emergency Committee, from Sir Frank Carter, only elicited the insulting reply "Mind your own business."

*Ali Brothers' Trial*

The storm brewing in London at last burst over the heads of the Ali Brothers who were arrested in September and tried by the Court of Sessions at Karachi on a number of charges, the more serious of which viz., those under Sections 120B and 131 (Criminal conspiracy and abetment of mutiny) broke down completely but convictions and heavy sentences were recorded on the minor charges under Sections 505, 109 and 117 (circulating false statements with intent to cause mutiny etc). This result of the trial, however, did not prevent Sir W. Vincent from influencing the Legislative Assembly by mentioning a certain letter written by a third party, openly denounced by the Ali Brothers as a forgery, and never produced at the trial, though in possession of the Government all the time, as evidence of the Brothers' complicity in serious offences against the state. That such a statement was allowed to pass unchallenged in an Assembly having among its members some lawyers of repute, furnishes another illustration of the utter irresponsibility of the Councillors.

*The Brothers' Offence Repeated by Thousands*

27. The Ali Brothers were convicted and sentenced on the 1st November. The Congress took their conviction as an affront to freedom of opinion and repeated the Brothers' offence in the resolutions passed by its committees and from a thousand platforms. Many thousands took part in this reaffirmation. The Government was completely non-plussed and not a single prosecution was undertaken but a desperate attempt was made by a more rigorous use of the Seditious Meetings Act and the Criminal Law Amendment Act to suppress the Khilafat and the Congress Volunteer Corps.

*H. R. H The Prince of Wales*

H. R. H. the Prince of Wales arrived in India on the 17th November. On that day happened what Sir W. Vincent has described as a "despicable thing"—the memorable All India *Hartal* which in truth was a remarkable manifestation of the determined will of the nation to condemn the exploitation of the Royal Family for political ends. It was made quite clear from the very beginning that no insult was meant to H. R. H. No reasonable doubt could possibly be entertained on that point after the very full statement made by the All India Committee (Appendix X-B.) and the article of Mahatmaji under the heading "Honour the Prince" in the *Young India* of October 27th, 1921. But the bureaucracy would not be turned from the course it had decided upon. The good old rule of the British constitution, that the King was above party politics, was trotted out, in and out of season, by persons who were expected to know better. Every child in the country knew that the visit of H. R. H. was originally intended to give a start to the working of the new Reforms which the country had refused to accept; and that H. R. H. having been prevented by ill health from accomplishing that object, his revered grand-uncle was brought out of his retirement to do so. After this it was but

natural to apprehend that the Prince would be called upon in the course of his visit to give his Royal blessing to these very highly controversial reforms, an apprehension which subsequent events fully justified. There was, above all, the great political effect which the bureaucracy was calculating to produce by bringing together all India to welcome the Heir to the Throne at a time when the whole country was seething with discontent. Despite these patent facts assurance after assurance was given that the visit of H. R. H. was entirely unconnected with politics.

#### *Leading Moderate Opposed the Prince's Visit*

The country as a whole was opposed to the visit, even Moderates not being in favour of it. Addressing the Liberal Conference at Bombay Mr. Sastri said:

"Moreover, there was one thing above all which drew the harsh character of this dual Government out and exhibited it in a most glaring form. That was the visit of the Prince of Wales. He did not think there was any one who desired it most enthusiastically. He certainly did not. He counselled against the visit as long as he could, but the visit came and what happened when the boycott of that visit was proclaimed by the non-cooperators? The result was that Government in order to make it a success against this opposition had to use all the arms in their control. They used all the repressive laws they could think of. The result was that even the Liberal public and the Moderate party stood out of that cooperation with Government in all that went to maintain law and order for which they had previously pledged their word. This had drawn into prominent relief the odious feature of dyarchy. He mentioned this to show that through the action of Government itself the bad nature of dyarchy had been brought out to the knowledge of everybody."

#### *Wanted Quiet Atmosphere for H. R. H.*

29. Many and various were the forms of repression employed to secure a quiet atmosphere during the visit of H. R. H. It is impossible to describe them fully without exceeding the limits of a report of this nature. It was most lawless and cruel in the Punjab, U. P., Bengal, and Assam. We give in Appendix VIII, extracts from the reports supplied to us by the Congress Committees of the Provinces which will show the nature of the atrocities committed in the name of law and order. Speaking generally many districts in these provinces have from time to time been practically denuded of the more active of their Congress and Khilafat workers by wholesale and indiscriminate arrests and prosecution under the Criminal Law Amendment Act, and Sections 107, 108 of the Code of Criminal Procedure and Sections 124 A and 153 A of the Indian Penal Code.

#### *From Committee Room to Lock-up 'en bloc'*

The United Provinces had the unique distinction of having 55 members of their Provincial Committee taken in one sweep by the Police while

engaged in discussing a resolution on volunteering at an emergent meeting held in Allahabad. The draft resolution was seized, one by one every member was asked if he approved of it and on his replying in the affirmative was secured in the police van waiting downstairs on the road. Those who did not move quickly enough had some gentle pressure applied to them from behind and the progress of one at least was accelerated by a mild assault. The 55 were tried under the Criminal Law Amendment Act before a competent court for the offence of drafting and discussing a proposal for the enlistment of volunteers and each was sentenced to 18 months imprisonment which was either simple or rigorous according as each individual impressed the Magistrate with his special aptitude for the particular variety of punishment. There was of course no defence and no appeal, but a special judge subsequently appointed by the Local Government to examine a certain class of political case appears to have advised that these 55 had committed no offence.

### *Illegality of Convictions no Reason for Release*

Attempt after attempt made by Local Councillors to have this report laid on the table failed and although the Government had finally to admit that the convictions under the charges framed were illegal, it was not so ill-advised as to allow the 55 picked public men of the Province to slip through its hands. And so it came about that these men remained in gaol, some being treated as first class misdemeanants and others as ordinary criminals. The reason given by the Local Government for keeping them in duress vile was that these men had not appealed and that if they had, it would have been open to the appellate court to alter the convictions under some section of the criminal law more applicable to their case. One of them, a strong young man, the bread-winner of his family, has since succumbed to an attack of fever in the Lucknow Jail, the circumstances of which were discussed in the press and an open enquiry demanded but was not allowed. The survivors have now served a little more than half the sentences inflicted, but have so far failed to attract the notice of the Central Government presided over by the Ex-Lord Chief Justice of England.

It may be convenient here to refer briefly to some other notable trials, to show how British justice vindicates itself in India.

### *Deshbandhu C. R. Das's Protracted Trial*

30. Deshbandhu Chittaranjan Das the President-elect of the Congress was arrested on the 23rd December 1921 under the Criminal Law Amendment Act, on the eve of his departure for Ahmedabad for issuing a public appeal calling upon the people to enlist as volunteers. The trial was adjourned from time to time for various reasons till the 12th February 1922. The accused having declined to plead or make a statement, it became necessary to prove his signatures on the papers purporting to be the original manuscripts sent to the press.



*Government Expert's Perjury*

Besides some other evidence, the Government expert swore on a comparison of that signature with admitted signatures that the former were in the hand writing of the person who made the latter. Deshbandhu was convicted and sentenced to 6 months' imprisonment after being detained for about two months as an *undertrial* prisoner. After his conviction, in a message to his countrymen, he made it quite clear that the signatures found to be his were really written by other persons named by him. Some time after the Indian member of the Bengal Executive Council, an ex-Chief Justice of Madras, intimated that the case of Mr. Das was being considered by the Government, but such was the patient care bestowed by the Government that Mr. Das was released after serving the full sentence before the consideration of his case was completed.

30(a). The great Hindu leader of Bengal having been secured in prison a Mohammedan leader of eminence was next wanted to complete the triumph of repression. The choice fell upon Maulana Abul Kalam Azad, a respected Mohammedan divine, Vice-President of the Central Khilafat Committee and an earnest member of the Congress who was next arrested, convicted under Section 124 A of the Penal Code (Sedition) and awarded a sentence of imprisonment which he has nearly served out.

*Lala Lajpat Rai Convicted, Released and Re-convicted*

31. Lala Lajpat Rai, Ex-President of the Congress was tried under the Seditious Meetings Act for presiding at a meeting of the Provincial Congress Committee. Some correspondence had previously passed between the Magistrate and the Lalaji about the nature of the meeting and the fact that it was merely a committee meeting, not open to the public, was well known to the Magistrate. Lalaji was however convicted and sentenced to a term of imprisonment. The Law Officer of the Government, who should have been consulted before the prosecution was launched, gave his opinion after the conviction that the Seditious Meetings Act did not apply, upon which Lalaji was released from the prison but was re-arrested the moment he stepped out of the main gate for another offence and in due course convicted and sentenced to a term of 2 years' imprisonment which he is now undergoing.

31(a). Babu Bhagwandas a highly respected citizen of Benares and president of the U.P. Provincial Committee was arrested under the Criminal Amendment Act for issuing and distributing an appeal to the shopkeepers to observe *hartal* on the day of the arrival of H. R. H. the Prince of Wales and sentenced to a term of imprisonment. The conviction was so utterly absurd that an agitation in the press in which Dr. Subramania Iyer, Ex-Chief Justice of the Madras High Court, took part compelled the Government to cancel the unexpired portion of the sentence.

*Pt. Jawaharlal Nehru 'Intends' to Picket and Gets 18 Months*

32. Pandit Jawaharlal Nehru was convicted under sections 385 and 505, Indian Penal Code, for having declared his intention to picket foreign shops in a public speech and for asking the audience to help him. Another

charge under which also he was convicted was abetment of extortion based on the fact that he presided at a committee meeting at which letters were agreed to be sent to certain cloth merchants calling upon them to pay the fines imposed by the cloth merchants' own association under their own rules. He was sentenced to 18 months' rigorous imprisonment and is now serving his sentence.

For fuller information about the above cases we refer to the statements of the gentlemen concerned printed in Appendix XIII.

### *Premium on False Evidence*

33. These are well-known cases which have attracted public attention on account of the importance of the gentlemen concerned. There are other cases, and their number is legion, in which non-cooperators have been falsely charged and their convictions secured on the flimsiest evidence. This has no doubt been considerably facilitated by the attitude of indifference adopted by non-cooperators at their trials. The knowledge that they neither defend themselves nor cross-examine witnesses has put a premium on false evidence. The best illustration of this was afforded at the trial of one of the members of this Enquiry Committee (Pandit Motilal Nehru). To prove his signature in Hindi, probably the first he had made in his life, the prosecution called a man in rags, to all appearances a haggard in the street, whom the accused had never seen before. He swore that the signature was of the accused while holding the paper in his hand upside down for half a second. This was the only proof of the signature on a volunteering form and on this evidence the Ex-President and the General Secretary of the Congress was convicted under the Criminal Law Amendment Act, and sentenced to six months' imprisonment which he has fully served out.

### *Provincial Budgets of Repression*

34. The illegalities committed in the course of the trials of non-cooperators are, however, nothing compared to the appalling lawlessness which prevailed outside the courts. It may be broadly stated that causing injury to the person, property, or reputation of a non-cooperator not only ceased to be an offence but came to be regarded as an act of loyalty to the Government of a specially meritorious character. We have indicated above the general trend of repression in the country and have given a few important extracts from the reports of the Punjab, U.P., Bengal and Assam Congress Committees in Appendix XIII, showing specific instances of a grosser kind for which the local administrations have earned a wide notoriety. Bombay, Gujarat, Ajmere-Merwara and Central India stand at the other end and may be congratulated on having so far escaped any trouble worth the name. Central Provinces, (Hindustani and Marathi), Berar, Maharashtra, Karnataka and Tamil Nadu have had their share of repression chiefly in connection with liquor shop picketing. The security sections were freely used in Tamil Nadu and Andhra Desh. Bihar has witnessed considerable display of terrorism in the districts of Muzaffarpur and the Santhal Parganas but has on the whole been quiet. Kerala, com-

prising the Moplah country, stands by itself for the inhuman barbarities committed by a fanatical population on the one hand, and the infuriated forces of law and order on the other; while the notorious Malabar train tragedy easily heats the worst popular excesses committed in any part of India for the callous disregard of human life it has revealed. Utkal and Andhra have come in for a fair share of severe repression and stand next only to the northern Provinces.

*Its Horrid Varieties*

35. Taking the country as a whole a general summary of the various kinds of anti-non-cooperation activities may be given in a few short sentences. Gandhi caps and Khaddar dress were anathema to the officials generally throughout India, and marked out the wearer for all kinds of insults and humiliations as also for false prosecution. Assaults on volunteers, stripping them of their clothing and ducking them in village tanks in winter months were some of the innocent practical jokes designed by the police for their own amusement. Confiscation of licenses for arms, forfeiture of *jagirs*, *watans* and *inams*, withholding of water supply for irrigation and refusing *Takavi* advances were some of the milder punishments for those who were not charged with specific offences. Destruction of Congress and Khilafat offices and records and of national educational institutions, burning of houses and crops and looting of property were resorted to in the case of the more obstinate recalcitrants. Several cases of forcible removal of jewellery from the persons of women and of indecent assaults and outrages committed on them as well as the burning and trampling under foot of religious hooks and other sacred objects have also been brought to our notice. The estate of an extra-loyal Zemindar in Utkal has gained a wide notoriety in that Province for cases of shooting, assaults on women and a novel method of humiliating and insulting high caste people by sprinkling liquor on them and compelling them to carry night soil on their shoulders.

*Wonderful Spirit of Non-violence*

36. All this the people have borne with admirable patience and self-restraint. The spirit of non-violence has permeated the masses generally beyond all expectation. We can safely assert that there is no country in the world where the people, as a whole, would have stood the horrors, described above, with the almost superhuman self-control shown by the general population of India. It is all very well to shut one's eyes to the due proportion of things and point to sporadic cases of outbursts of violence here and there in a vast country like this, and seek to establish a connection between them and non-cooperation by specious reasoning. We leave it to the unbiassed historian of the future to say whether the responsibility for a few sad occurrences is to be thrown on the non-cooperator or whether he is to be given the sole credit for the general quiet which has prevailed under maddening provocation. It may be difficult for the European mind to grasp that the law of suffering is to the Indian the law of his being. If this is not so, why is it that no

charge under which also he was convicted was abetment of extortion based on the fact that he presided at a committee meeting at which letters were agreed to be sent to certain cloth merchants calling upon them to pay the fines imposed by the cloth merchants' own association under their own rules. He was sentenced to 18 months' rigorous imprisonment and is now serving his sentence.

For fuller information about the above cases we refer to the statements of the gentlemen concerned printed in Appendix XIII.

### *Premium on False Evidence*

33 These are well-known cases which have attracted public attention on account of the importance of the gentlemen concerned. There are other cases, and their number is legion, in which non-cooperators have been falsely charged and their convictions secured on the flimsiest evidence. This has no doubt been considerably facilitated by the attitude of indifference adopted by non-cooperators at their trials. The knowledge that they neither defend themselves nor cross-examine witnesses has put a premium on false evidence. The best illustration of this was afforded at the trial of one of the members of this Enquiry Committee (Pandit Motilal Nehru). To prove his signature in Hindi, probably the first he had made in his life, the prosecution called a man in rags, to all appearances a beggar in the street, whom the accused had never seen before. He swore that the signature was of the accused while holding the paper in his hand upside down for half a second. This was the only proof of the signature on a volunteering form and on this evidence the Ex-President and the General Secretary of the Congress were convicted under the Criminal Law Amendment Act, and sentenced to six months' imprisonment which he has fully served out.

### *Provincial Budgets of Repression*

34. The illegalities committed in the course of the trials of non-cooperators are, however, nothing compared to the appalling lawlessness which prevailed outside the courts. It may be broadly stated that causing injury to the person, property, or reputation of a non-cooperator not only ceased to be an offence but came to be regarded as an act of loyalty to the Government of a specially meritorious character. We have indicated above the general trend of repression in the country and have given a few important extracts from the reports of the Punjab, U.P., Bengal and Assam Congress Committees in Appendix XIII, showing specific instances of a grosser kind for which the local administrations have earned a wide notoriety. Bombay, Gujarat, Ajmere-Merwara and Central India stand at the other end and may be congratulated on having so far escaped any trouble worth the name. Central Provinces, (Hindustani and Marathi), Berar, Maharashtra, Karnataka and Tamil Nadu have had their share of repression chiefly in connection with liquor shop picketing. The security sections were freely used in Tamil Nadu and Andhra Desh. Bihar has witnessed considerable display of terrorism in the districts of Muzaffarpur and the Santhal Parganas but has on the whole been quiet. Kerala, com-

prising the Moplah country, stands by itself for the inhuman barbarities committed by a fanatical population on the one hand, and the infuriated forces of law and order on the other; while the notorious Malabar train tragedy easily beats the worst popular excesses committed in any part of India for the callous disregard of human life it has revealed. Utkal and Andhra have come in for a fair share of severe repression and stand next only to the northern Provinces.

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serious violence except that on the part of the Government has occurred in a large number of places where repression has taken the severest and most unbearable form? Is the Indian the despicable coward or the weakling who has not the courage or the strength to hit back? The answer, clear and conclusive, is given by the outstanding feature of the situation that it is the martial races of Northern India both in the Punjab and the United Provinces who, while smarting under brutal treatment, have maintained the most wonderful self-restraint.

### *Brave Akalis—An Object Lesson to the World*

The brave Akalis of the Punjab are, at the moment of writing these lines giving an object lesson to the world in combining invincible courage with cool self-possession, which will add an inspiring chapter to the history of their race, already rich in heroic deeds and brilliant achievements. We refrain from going into the details of the great struggle which is proceeding under the eyes of an admiring world, as we do not wish to anticipate the findings of the Guru-ka-Bagh Enquiry Committee, appointed by the Working Committee, now sitting at Amritsar. For the purpose of this report it is enough to refer to the two statements issued to the press by Mr. C. F. Andrews (Appendix VIII) who has seen the brutalities committed on the unresisting Akalis in the sacred name of law and order with his own eyes, and to leave the reader to apportion bravery and cowardice between the parties according to merit.

### *Stage-managed Routes for the Royal Procession*

37. We have not attempted a detailed description of the visit of H. R. H. the Prince of Wales, but the facts so far as they bear on this report may briefly be stated here. That splendid thing—the *Hartal*—followed H. R. H. wherever he went. The bureaucracy left no stone unturned to camouflage the real feeling of the country by lining the route taken by H. R. H. with the hirelings of talukadars and zemindars, the tenants holding lands under the Court of Wards, and ignorant villagers deceived into the belief that they were being taken to have the *darshan* of Mahatma Gandhi; by offers of free motor drives to the people to have a view of their *Shahzada*; in the towns by exhorting and pressing college students and school children through their professors and teachers to assemble at appointed places; and generally by utilizing subservient news agencies to publish highly exaggerated and garbled account of the “warm welcome” accorded to H. R. H. by the people of India. But “here in India we know” (as the Viceroy said in another connection the other day) what really happened.

### *Unqualified Success of ‘Hartals’*

The *Hartals* were an unqualified success everywhere in the Indian quarters and bazars; the villagers who had come to see Mahatmaji relieved their disappointment by shouting “Mahatma Gandhi ki jai” when the Prince passed; the street urchins gladly accepted the offer of free motor drives only to run back home immediately after arrival at

the selected spot long before the Prince passed; college students and school children were conspicuous by their absence in most places, and at one point on the route of the Royal procession in a certain large town lighted a bonfire of foreign cloth on the day of H. R. H.'s arrival.

### *Lukewarm Reception at the Hindu University*

The authorities of the Hindu University at Benares who had erected a huge amphitheatre for a brave show of their young hopefuls, were hard put to fill up the tastefully decorated structure at the last moment and met with but poor success; the subservient news agencies could ill conceal the determined abstention of Indians of all classes from the functions arranged and gave up the impossible attempt at Allahabad which rose to the full height of its injured dignity at the wholesale arrests of its worthy citizens made immediately before the Prince's visit. But it is said that all this was due to coercion and intimidation.

### *Complete 'Hartal' at Allahabad*

The pertinent question asked by a writer in the *London Times*—who was left in Allahabad to coerce and intimidate, after the numerous arrests of workers which had already been made has not been answered. Can it be that despite the strenuous efforts of the representatives in India of the "most determined" and "hard fibred people in the world" the whole country from end to end throbbed with one impulse as a result of the coercion and intimidation employed by the handful of those who, in the words of Lord Reading, "did not represent the real views of the Indian people" and most of whom were secured behind prison walls? If so, the sooner the most determined people in the world withdraw their present representatives and entrust their good name to the safe keeping of the handful, the better it would be for the future happiness and progress of both.

### *Still the Prince Carries back Pleasant Memories*

38. H.R.H. The Prince of Wales has come and gone carrying with him it is gratifying to learn, the most pleasant memories of his visit. It has been our unpleasant duty to deal with the sad memories left behind in the trail of the Royal Progress by the action of those who laid its course through troubled seas and tried in vain to lash the wave into submission. We can only repeat the assurance, so often given by the Congress, that India entertains no ill-will or disrespect to H.R.H. or his Royal House.

## CHAPTER III

### THE TRIUMPH OF NON-VIOLENCE

#### *Ahmedabad Congress*

39. A consideration of the various activities mentioned in the foregoing chapters will show that the first stage of the Non-cooperation movement had already reached its high watermark before the Ahmedabad Congress was held. The principal resolution passed at that memorable session summarises the whole situation which the Congress had to face, and unequivocally accepts the challenge thrown out by H.E. the Viceroy in his Delhi and Calcutta speeches. For convenience of reference that resolution is reproduced in Appendix IX-c. We have already referred to the high spirit in which the workers, assisted by the general public, carried out the directions of the Working Committee embodied in its resolution passed at Bombay on the 23rd November 1921. They had now the authority of the whole Congress behind them and strove to keep up the good fight with redoubled courage and determination during January and part of February, with such effect that the forces of repression were all but overpowered. In Northern India, from the extreme west of the Punjab to the extreme east of Bengal and Assam, the wholesale arrests of all grades of Congress workers and other repressive measures employed by the Government failed to shake the resolute determination of the people to stand on their natural rights of free speech and association. In Calcutta, Allahabad, Lucknow and other places, too numerous to mention in detail, batches of volunteers wearing their badges and carrying Swarajya banners marched, one after the other, in an endless stream along the public streets and in front of police stations offering themselves for arrest but were mostly allowed to go scot-free. The lock-ups were full, the gaols were crowded. Repression ceased to keep pace with the great upheaval and dropped its heavy hand through sheer satiety.

#### *Viceroy "Puzzled and Perplexed"*

Early in December H.E. the Viceroy had frankly admitted that he was "puzzled and perplexed". And now the whole machine began to creak and showed signs of an impending breakdown. On the 29th January Bardoli took the momentous decision to launch mass civil disobedience. Mahatma Gandhi described it as "its (Bardoli's) final and irrevocable choice" and sent an ultimatum to the Viceroy. Expectation ran high. The country was all agog to witness the final triumph of soul force over physical might. But the gods had willed it otherwise.

#### *Lamentable Chauri Chaura*

The crime of Chauri Chaura was perpetuated on the 5th February 1922 and changed the whole outlook. The Working Committee met at Bardoli on the 11th and 12th February and resolved that "mass civil disobedience contemplated at Bardoli and elsewhere be suspended, and this suspension be continued till the atmosphere is so non-violent as to ensure



the non-repetition of popular atrocities such as at Gorakhpur or hooliganism such as at Bombay and Madras". All activities "specially designed to court arrest and imprisonment" and "all volunteer processions, public meetings, merely for the purpose of defiance of the notifications regarding such meetings" were stopped till further instructions and a new programme of constructive work was laid down.

### *Bardoli-Delhi Resolutions*

40. It is perfectly true, as explained by Mahatma Gandhi at the meeting of the All India Committee held in Delhi on the 24th and 25th February, that by this resolution it was not intended to go back upon the Nagpur non-cooperation resolution in any way; but there can be no doubt that the principle and policy laid down at Ahmedabad were completely reversed to the great disappointment of an expectant public. The concession made by the All India Congress Committee to public feeling by empowering Provincial Committees to sanction individual civil disobedience, if all the conditions laid down by the Congress and the All India Congress Committee and the Working Committee were strictly fulfilled, failed to create sufficient enthusiasm to carry on the constructive programme with the earnestness it deserved.

41. Mahatma Gandhi saw this and lost no time in directing his inexhaustible energies to disseminate a correct appreciation of the situation. But in the strength of the Mahatma lay his weakness in the eyes of the Government. No living man could have possibly checked the surging tide of popular excitement at the point it had reached by simply raising a finger of warning as the Mahatma had done. But this phenomenal hold on the public mind was taken to be a sign of waning influence and the opportunity was seized to arrest India's greatest son. British statesmanship had gone bankrupt and the art of Government had deteriorated into special pleading and blind submission to the outcry raised by the reactionaries in England and the British element in the services in India.

### *Mahatmaji's Arrest and Conviction*

The Mahatma was tried, convicted and lodged in gaol. The thrilling incidents of his short trial are fresh in the public mind and the noble sentiments he uttered from the dock have sunk deep into the very soul of the people. The Mahatma went smilingly to prison and the people paid their homage of reverence by observing that exemplary self-restraint and perfect non-violence which were so dear to his heart. We need say no more than what he has himself said in the great statement he made at the trial. (Appendix XIII)

### *Absence of Mahatmaji*

42 No man other than the Mahatma could lift the wet blanket thrown upon most of the workers by the Bardoli-Delhi resolutions, or effectively divert the course of Congress activities into the channels marked out by those resolutions. If he had only been given an opportunity to make one of his lightning tours through the country, we have no doubt that the

history of the last six months would have been differently written. We are, however, more concerned with what is than what might have been. It is as unprofitable to inquire what would have happened if Mahatma Gandhi had not been arrested and sent to prison, as it is to discuss the soundness or otherwise of the decisions taken at Bardoli and Delhi about which conflicting opinions have been expressed before us. The solid fact which cannot be ignored is that the Bardoli-Delhi resolutions and the subsequent incarceration of Mahatma Gandhi were followed by general depression throughout the country. Whether that depression justifies the hopes of the moderates and the bureaucracy is a different matter and will presently be gone into

#### *Want of Adequate Faith in some of the Workers*

43 We have carefully investigated the causes of this apparent set back and have unhesitatingly arrived at the conclusion that it was due almost entirely to a want of adequate faith in the constructive programme on the part of large number of workers whose business it was to carry it out. In the disappointment of a sudden check of enthusiasm the great potentialities of that programme were overlooked and it was assumed that there was no urgency about it as it involved steady work extending over years. This apathy of the workers was reflected to a degree in the general public, but the faith of the latter in the Congress and in the teachings of Mahatma Gandhi remained unshaken.

#### *Unprecedented National Awakening*

Witnesses from all parts of the country speaking from direct local knowledge have testified to the outstanding features of the crisis through which the country is passing. These are (1) the general awakening of the masses to their political rights and privileges (2) the total loss of faith in the present system of Government (3) the belief that it is only through its own efforts that India can hope to be free (4) the faith in the Congress as the only organisation which can properly direct national effort to gain freedom, and (5) the utter failure of repression to cow down the people. Our own personal observation in the course of our tour round the whole country fully corroborates the evidence on these points. We have found the general population permeated with the indomitable spirit of a great national awakening unprecedented in the history of the human race for its wide sweep and rapid growth. The great bulk of the people showed complete lack of confidence in the Government and were found to be firm believers in non-cooperation and all that it stands for. Repression, where it had done its worst, had no doubt left behind it a trail of sorrow and suffering but failed to crush the spirit of the people.

#### *Variations of Temperature*

44. There were, it is true, what may be called variations of temperature noticeable from town to town and province to province, according as the cold wave of repression emanating from the Government was more

or less continuously applied by its local agents with or without the addition of freezing mixtures of their own invention.

*But Non-cooperation as alive as before*

But with the exception of an almost invisible margin for Moderates and Vested Interests, both Indian and Foreign, the length and breadth of non-cooperation was found to correspond with the length and breadth of India. And where the mercury stood low it but needed the warmth of the least breath of encouragement to rise to the normal attained by the country as a whole. This in brief is the net result of the progress of non-cooperation on the one hand and of the countering forces employed to check it on the other. But strangely enough the evidence of the witnesses recorded by us, fortified as it is by our own observations, receives additional support from unexpected quarters.

*The White Paper*

45. The famous White Paper containing the Government of India's "general appreciation of the situation as regards non-cooperation" was published in March last on the eve of Mahatma Gandhi's arrest. In this document, at the end of a laboured justification of the policy of the Government by a thorough misrepresentation of the aims, objects and methods of the movement, the fact, that non-cooperation has true nationalism and religious motive power and has spread far and wide, is thus grudgingly admitted.

"Nevertheless though the impracticable nature of the demands of non-cooperation is realised by sober and sensible Indians, it has not been possible to ignore the fact that the Non-cooperation movement has to a large extent been engineered and sustained by nationalist aspirations and so far as Mohammedans are concerned by religious feelings which have a strong appeal to those also who have not adopted its programme."

*Bad Faith and Insincerity of Government Dawn on Mr. Sastri*

46. The true state of feeling in the country has been quite evident for sometime past to all but those who will not see. Even Mr. Sastri could not fail to discern it during his recent meteoric flight across the Indian sky. He told his fellow "Liberals" in the Conference assembled at Bombay in April last that

"He had never known such profound distrust of Government as existed to-day, such absolute lack of faith in their sincerity, a rooted tendency to put aside all their pledges, promises and declarations as of no value whatever"

*"Chosen Vehicles of Benevolent Spirit"*

A fortnight later in the course of a post-parandal oration at the Viceregal Lodge the same gentleman addressing himself to the brilliant

galaxy of officials whom he described as "chosen vehicles of the great spirit of benevolence that has always ennobled the British Government in its mission in the world" permitted himself to say:

"We never have seen in the country such a lack of hope and faith in the Government of the day. I say this in all solemnity. We have never seen such a total lack of faith by the people as to-day."

#### *Viceroy Ignores his Trusted Ally*

47. Lord Reading ignored the grave warning uttered by his trusted friend and ally and about a month after the above sentiment was expressed at his hospitable board tried to convince the members of the commercial communities who waited on H.E. in deputation that "the Government which is representative of India in a greater degree than previous Central Governments is inspiring trust and confidence." The failure of a strong Secretary of State like Mr. Montagu to gauge real Indian feeling notwithstanding personal visits and inquiries on the spot has clearly demonstrated the futility of any attempt on the part of British statesmen to get at the true bearings of Indian problems. A new Under-Secretary of State, with no special knowledge of the situation, and with the predispositions of Earl Winterton can only derive sustenance by the careful spoon-feeding he receives from Simla and Delhi. We thus have the noble Earl delivering himself as follows in the recent Indian debate in the House of Commons:

#### *Earl Winterton Unburdens Himself*

"The Government of India preferred to wait until the barrenness of his (Mahatma Gandhi's) political faith and its total failure to produce any constructive results had disillusioned his more intelligent supporters. Then his downfall was accepted by his followers with comparative coldness, while with the ignorant who had been taught to repeat his name and had been expecting the date of his promised Swaraj and several times seen it pass, the bubble of his supernatural attributes was summarily pricked."

#### *The Bubble of Mahatma's Supernatural Attributes*

48. The general awakening of a fifth of the human race to political consciousness, attended it is true with a *contre-temps* now and then, is here treated as a "total failure to produce any constructive results" and while healthy differences of opinion among non-cooperators as to certain items of the programme are supposed to betoken a disillusionment of the more intelligent supporters of Mahatma Gandhi, credit is given for the absence of violent outbursts among the masses on the occasion of Mahatma's arrest to the summary pricking of the "bubble of his supernatural attributes."

#### *Perfect Peace Due to Mahatmaji's Teachings*

What does, in fact, account for the absolute quiet which prevailed after his arrest is the touching appeal repeated for the thousandth time in the same article in these words.

"It is a matter of no pride or pleasure to me but one of humiliation that the Government refrain from arresting me for fear of outbreak of universal violence and awful slaughter that any such outbreak must involve. It would be a sad commentary on my preaching of, and upon the Congress and Khilafat pledge of, non-violence, if my incarceration was to be a signal for a storm all over the country. . . . I hope therefore that the Congress and the Khilafat workers will strain every nerve and show that all the fears entertained by the Government and their supporters were totally wrong. I promise that such act of selfrestraint will take us many a mile towards our triple goal. There should therefore be no *Hartals*, no noisy demonstrations, no processions. I would regard the observance of perfect peace on my arrest as a mark of high honour paid to me by my countrymen."

Mr. Gandhi was either believed to be a saint or he was not. If he was not, there was no bubble to prick. If he was, no Indian could disregard the touching appeal contained in the above passage even at the cannon's mouth. But the bureaucracy would have it both ways, and thus the building of the fools' paradise goes on from day-to-day.

#### *Another Official Apologist*

49. Mr. Rushbrook Williams, the official apologist, in describing the general results of non-cooperation in his "*India of 1921-22*" is reluctantly compelled to admit the existence of a wide-spread feeling of patriotism, though he limits it to the classes only and colours it with the dyes prepared and placed at his disposal by the Secretariat. The paragraph runs as follows and may be taken as a fair sample of the ostrich-like simplicity of the official mind, which in the presence of undeniable facts seeks refuge in make-beliefs:

*The Viceroy Again—Confident yet Despairing*

50. On a par with the forced optimism of the Under Secretary of State is the recent important pronouncement made by H.E. the Viceroy on the occasion of the opening of the Legislative Assembly. But it will be noticed that the confident tone in which the speech opens is in marked contrast to the counsel of despair which pervades His Excellency's concluding appeal to the councillors:

"Here in India we know that they (the non-cooperators) do not represent the real views of the Indian people, but can you wonder that they created a deplorable impression upon the British people throughout the Empire notwithstanding the devotion and loyalty of the great majority of the people of India."

*H.E. Rouses Councillors*

It may pertinently be asked what is the great majority of the people of India composed of if not of the masses? But in the very next passage of his speech His Excellency felt called upon to urge his audience to "make an appeal to the intelligence of the masses and command their sympathy" and added:

"We must convince them of the sincerity of our purpose, we must make them feel assured that the first motive of all our actions is their ultimate well-being. You must attempt to diffuse that clearer vision with which you have been gifted. You must help others to share in that wider outlook and in those opportunities for material welfare which you enjoy. Defensive tactics alone will not suffice. We must lead and guide upwards and onwards. The task is not easy, it requires application, it calls for patience, but it is one which I am confident that your efforts can bring to a successful issue. It is a task in which you may rely on the fullest support of my Government and of the Civil Services, who, in the face of much misrepresentation and hostility, have freely and unsparingly cooperated to work the reformed constitution and continue to labour for its success. They are ready to help you and they also look for your help. You hear around you propaganda against the Reforms; your rights are assailed by misrepresentations; your privileges and prospects are attacked; your achievements are belittled; your aims are vilified."

*"Privileges and Prospects" of Councillors*

51. It is difficult to understand the nature of the devotion and loyalty of a people whose intelligent sympathy has yet to be gained and who have yet to be assured of the sincerity of those to whom they are devoted and loyal. And what is more, it is admitted that "the task is not easy, it requires application, it calls for patience." Confidence is no doubt expressed in the efforts of Councillors "to bring the task to a successful issue" but it has to be followed up with an assurance of the "fullest sup-

port of my Government and of the Civil Services" coupled with a significant reference among other things to their "privileges and prospects". The thoroughness with which things are managed by the Government is simply marvellous. Councillors are earnestly exhorted to "diffuse that clearer vision with which they are gifted" with all the resources of the Government and the Civil Services at their back and with an eye to their own privileges and prospects, with no other object than to gain an audience and enlist the sympathies of the very people whose chosen representatives they are! Strange are the ways of the "devoted" and the "loyal"—they flock in their thousands and tens of thousands to non-cooperation meetings which do not represent their views, at the call of the town or village crier and leave those, to whom they are devoted and loyal, severely alone until the art of "gentle persuasion" is practised by some of the more distinguished Services, chiefly the Police. However that may be; we take this opportunity of thanking His Excellency for the information that we have succeeded in "creating a deplorable impression upon the British people throughout the Empire". As for what "here in India we know", that, we fear, is even more deplorable from the point of view of His Excellency.

#### *The Premier's Nod—More Eloquent than his Words*

52. The recent historical speech of Mr. Lloyd George, which has so upset our Moderate friends, and the very able discourse of H.E. the Viceroy on the effect of ministerial nods on the meaning of words will be considered in connection with the question of the entry of non-cooperators into the Councils to which both directly apply, but it may be observed here in passing that these official utterances are symptomatic of that mental state which is produced by disappointed hope and finds expression in bluster. If non-cooperators have so utterly failed with the electors, as we are assured they have, where was the necessity of threatening them with dire consequences if they dared to wreck the Reforms. It is only necessary to add that these great pronouncements have left the non-cooperators entirely unruffled.

#### *Our Friends, the Moderates*

53. We have so far dealt with the strength of the Non-cooperation movement in the country and in doing so have referred to the general effect of the overwhelming evidence given before us, the result of our own observations, and the more important official statements made from time to time. We have purposely refrained from noticing the attacks made on the movement, from the platform and in the press, by certain leading Moderates as any attempt in that direction would have landed us in an unprofitable controversy with our own countrymen leading to its inevitable aftermath of bitterness and chagrin. It may, however, be stated without fear of contradiction that whatever differences might exist as regards the principles of the movement and their application to the various spheres of Congress activity no Moderate of any note has so far

denied that the sole credit for the great national awakening we see today belonged to non-cooperation. On the contrary the foremost of them have ungrudgingly admitted the great success we have achieved, coupled though such admissions have invariably been with an expression of disagreement with the particular items on the programme.

#### *Sir C.H. Setalvad's Tribute to Extremists*

We give below a quotation from the speech of Sir Chimanlal H. Setalvad at Ahmedabad in May last which may be taken as a fair representation of general Moderate opinion. He said:

"I quite acknowledge that the Extremist party did good work up to a point. When they awakened the public to political consciousness, when they roused their self respect and patriotism they did a great service . . . I also acknowledge, gentlemen, the other directions in which good work has been done by the non-cooperation party. They have done well in arousing the feeling in favour of Swadeshi and in asking people to remove the untouchability of the depressed classes."

#### *Tremendous Force behind Congress*

54. It is thus established beyond doubt or cavil that the Indian National Congress has now a tremendous force behind it which neither oppression nor repression can suppress. Whether non-cooperators are giving a true or a false lead to the country, whether they have succeeded or failed in carrying out the various items of the programme, the fact remains that the future Government of this country under the present system is an utter impossibility except for a time, and that only by the continued use of the severe forms of repression which can but drive the iron deeper and deeper into the soul of the people. Those who have the eyes to see can read the answer to the recent threats uttered by the Prime Minister and the Viceroy in the grim determination of the people to continue the struggle at all costs till they are masters in their own house.



## CHAPTER IV

### SUCCESSSES AND FAILURES

#### *Effect on Council Elections*

55. We propose in this Chapter to deal briefly with the results attained in the various items of the non-cooperation programme, the successes achieved and the failures sustained. We shall first take the boycott of Legislative Councils. The special session at Calcutta was held on the eve of the first elections and Congress workers were called upon to concentrate their whole energies on making the boycott of the Councils a success. The call of the Congress was responded to in a manner which astonished the Government and the opposition Press alike. All nationalists whether they had favoured or opposed the boycott in the Congress loyally stood by it and withdrew their candidatures even though, in some cases, considerable trouble and expense had already been incurred. The vast majority of voters faithfully followed the lead by abstaining from going to the polls notwithstanding the undue pressure put upon them by the authorities and some zemindars. Here is Sir Valentine Chirol's appreciation of one of the elections in a letter to the London "*Times*":

"I drove out to a polling station in an important village about 15 miles from Allahabad on the road to Partahgarh: . . . When we reached the big village, almost a small township, of Soraon there was still nothing to show that this was the red letter day in the history of modern India which was to initiate her people into the great art of self-government. Only the little Court house, we found, had been swept and garnished for use as a polling station.

"Inside, the presiding officer with his assistants sat at his table with his freshly printed electoral roll in front of him and the voting papers to be handed to each voter before he passed into the inner sanctuary in which the ballot boxes awaited him. But from 8 in the morning till past 12 not a single voter had presented himself in the course of the whole day."

56 Official statistics indicated that from 70 to 80 per cent had abstained from voting for the Provincial Councils, while about 80 per cent had abstained from voting for the Legislative Assembly, and in spite of the peculiarity and the narrowness of constitution of the Council of State, 60 per cent did not go to the polling booth. Ingenious explanations were offered by the Moderate and Anglo-Indian press to cover up the complete defeat of the Government and the non-representative character of the candidates "elected," but independent critics who totally disapproved of the non-cooperation policy and deplored the Council boycott, felt compelled to acknowledge the futility of the elections. Says Colonel Wedgwood M.P.:

"The elections have been held, but such elections were hardly worth holding. Vast numbers who would have voted have taken the easy course and stayed at home. Altogether about 24 per cent of the electors have voted—more in Madras and Bengal and fewer in Bombay and the Central Provinces. Everywhere the Mohammedan constituencies have had pitifully few voters, for, to the Mohammedan non-cooperation is now part of his religion."

Disgusted that the enlightened public opinion of India, should have boycotted the Reforms, the Colonel added:

"The elections are finished, incompetent self-seekers have bought their seats and all the intelligence and 'pick' of the National party grows outside." "It is a bad position," he concluded "and any sane Government would have postponed the elections on the chance of a compromise."

Other critics, who were unwilling to admit the failure of the reforms and anxious to make much of the fact that the Councils were full, admitted that the quality had suffered in view of the boycott. Referring to the new councillors, the "*Nation*" (London) wrote:

"There may be highly respectable persons among them, wealthy men, men enjoying decorations but on the whole they are elderly (sic) and timid men who have little driving power, little initiative and no great popular following."

#### *Effect on Schools and Colleges*

57. Simultaneously with the active propaganda for boycott of councils, Mahatma Gandhi toured round the country calling upon lawyers to boycott the courts and upon students to give up Government and aided institutions. The first attack was directed against the M.A.O. College, Aligarh, by Maulanas Mohamed Ali and Shaukat Ali, and later by Mahatma Gandhi. Mr. C.R. Das led the campaign in Bengal as a result of which thousands of students left Government schools and colleges in Calcutta and the *Muffassil*. Sir Asutosh Mookerjee, speaking as Vice-Chancellor of the Calcutta University testified to the success of the Non-cooperation movement amongst the student community of Bengal. Similar propaganda met with striking success in the Punjab and the other provinces. A large number of national schools and colleges sprang up all over the country supported by public contributions and staffed by teachers who were men with burning patriotism and self-reliance and who worked cheerfully in spite of financial difficulties. While some of the students who had come out of Government schools joined the National schools and colleges or became Congress workers, the majority was obliged to return gradually to their old schools owing to the unfortunate paucity of national institutions. The boycott of schools and colleges resulted in adding to the ranks of Congress workers some of the more ardent young men, whose patriotism and enthusiasm have greatly advanced the cause of the country.

### *Spirit of N.C.O. Imbued*

58. A good deal has been made of the fact that a large number of students who had originally come out of the Government educational institutions have gone back; and it is claimed that the boycott has failed. It must be admitted that so far as effort was directed to the weaning of the students from Government schools and colleges, it has met with poor success but it cannot be doubted that the spirit of non-cooperation has been largely imbued by the student population of the country as a whole. This has been demonstrated time after time by the attitude of the students in regard to various public activities. Non-cooperators have addressed huge public meetings largely attended by students and have been listened to with patience and consideration, while prominent moderates, including some of those who have enjoyed the universal confidence and respect of the student class, have repeatedly failed to obtain a hearing from their erstwhile admirers. We do not for a moment commend this behaviour of the students towards respected moderates. Mahatma Gandhi and many other prominent workers have condemned it unsparingly from the platform and in the press but the fact remains that moderate opinions have become intolerable to young men of the country to such an extent that they forget themselves as Indians and lapse into Western methods of marking their disapproval. The truth is that if they do not one and all leave their schools and colleges it is because they have nowhere else to go for any education whatever and not because non-cooperation does not appeal to them. With them it is a case of choosing the lesser evil which they fully recognize. The moral victory of non-cooperation is complete. It has destroyed the prestige of Government institutions and put the students on their guard against their evils.

### *National Educational Institutions*

59. We have already adverted to the inadequacy of National educational institutions to meet the large demand made on them. The very nature of the struggle precluded the thorough organisation of National colleges and schools, but the enthusiasm of the students and of the teachers kept these institutions going, however inefficient and inadequate they were. The Bardoli resolutions rightly stopped all active propaganda against Government educational institutions and directed the various Congress bodies to improve the quality of education and to better the organisation of national institutions in order to attract students from the Government colleges and schools. The present conditions of the national institutions all over the country is far from satisfactory. They are all working heroically under great disadvantages and disabilities. The teachers receive a bare living wage. The buildings are mostly rented and are unsuitable. In most cases the syllabus of studies is identical with that of the Government institutions with the exception of the charkha, the handloom and the compulsory learning of Hindi. Almost every institution visited by us was in financial distress.

Notwithstanding only slight changes in the course of studies in these

national institutions, the very fact of their being carried on without Government aid has produced a perceptible change in the character and outlook of the teachers and pupils.

### *Lawyers, Litigants, and Law Courts*

60. What we have said about students, schools and colleges applies *mutatis mutandis* to lawyers, litigants and law courts. If success is to be measured by the number of lawyers and litigants abstaining from resorting to the courts, it must, as in the case of students, be admitted that this item of the programme has failed. It appears that between 1,200 and 1,500 lawyers in all suspended practice as a result of non-cooperation in the whole country. This number is insignificant compared to their full strength and it has now been further reduced by some of them having gone back to practice for private and other reasons. But such of them as have adhered to their resolve to keep out of the courts have done splendid service to the cause. The fact that practising lawyers in far larger numbers are whole-heartedly supporting the movement in different ways, specially in the constructive part of the programme and in liberally contributing to the Tilak Swarajya Fund shows that the profession as a whole has well caught the spirit of non-cooperation. The action of a number of Bar Associations in passing resolutions condemning the repressive policy of the Government in strong and clear terms, of the Calcutta Bar Library in cancelling the dinner to Lord Reading as a protest against that policy, of the Madras Vakils Association in entertaining the lawyer members of the Congress and Khilafat Civil Disobedience Enquiry Committees in the Association Rooms of the High Court building and giving a firm and dignified answer to the threats of the Chief Justice communicated through the Registrar will always redound to the honour and credit of the profession. At the same time it is true that some lawyers chiefly those in the front ranks of the bar have expressed their disagreement with the principle and programme of non-cooperation and others have actually opposed it.

### *Lawyers' Place in the Programme of N.C.O.*

61. While the principle on which the boycott of courts is based is perfectly sound, we feel constrained to say that it has been carried to undesirable lengths in practice. There can be no doubt that practising lawyers who adopt the Congress creed are fully entitled to join all the component parts of the organization and to hold offices to which they may be elected by the free exercise of the franchise. There is no disqualification placed on them by the Congress, but Mahatma Gandhi advised them to be content with the part of unseen actors behind the scenes, and this advice was interpreted by the more enthusiastic committees as placing a ban on practising lawyers; and some Provinces actually framed rules disqualifying them from holding any office. This in itself would be strong enough reason for all self-respecting practising lawyers to keep outside the Congress against their own inclination, but the unpardonable discourtesy with which they came to be generally treated effectually shut

them out from all public activity. The movement thus lost the support of the most efficient body of men by what can only be characterised as an entirely false step. There is no reason why a wholesale importer of foreign cloth should be freely admitted into all Congress organisations and even to responsible offices under it, whilst respected practising lawyers, known for their special aptitude for public work, were studiously and sometimes offensively excluded. It is true that some of the foreign cloth importers and Indian mill owners contributed handsomely to the Tilak Swarajya Fund, but the lawyer class as a whole was never given the chance to rise to the full height of its well-known open-hearted liberality in support of public movements. We trust that the All India Committee will pay immediate attention to this matter and make the *amende honorable* to a deserving class which in the past has furnished the back bone of public life. It should however be clearly understood that we suggest no change in the boycott of Government educational institutions by students or of courts by lawyers and litigants as it stands in the Congress resolution. The principle involved in it is, as we have already stated, perfectly sound and must be maintained to keep the ideal before the public mind. Mahatma Gandhi has explained the position very clearly in the following passage in the "*Young India*" of the 8th December 1921:

"We are no longer in the dark. We have the result of fifteen months working of the new method. Rejection of courts, schools and councils is an integral part of the programme. We may not give up parts because we have not achieved full success, if we are convinced that in themselves they are desirable. Although we have not succeeded on emptying the three institutions, we have demolished their prestige. They neither worry nor dazzle us. That many parents, many lawyers and many law-givers have not responded, shows that we must make a greater attempt to wean them, not now by arguing but by the exemplary conduct of abstainers. For me they are the Government. Just as I may not apply for a paid post because no Government servant resigns, I may not join the ranks of voluntary servants because the latter do not come away. I am convinced that the country has risen because of the abstention even of the few from association with these emblems of the existing Government.

Inadequate response is an eloquent plea, if you will, for establishing better schools and panchayats, not for confession of incapacity by returning to the flesh pots of Egypt."

### *Panchayats*

62. The establishment of panchayats was the necessary concomitant of the boycott of courts and was taken up in right earnest. From October 1920 to January 1921 a very large number of these sprang up all over the country. Many of them worked well, a few proved inefficient. Lacking the necessary sanction behind them, these National courts could at best work under serious disadvantages but the hand of repression des-

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cended heavily on them and in many Provinces made a clean sweep of the panchayats with all their paraphernalia. In the United Provinces a regular hunt for *panches* was organised by the police and there were scarcely any who were not given some experience of the inner working of police stations, the lock-ups and the gaols. The evidence shows that in the Punjab, Bengal and Bihar a number of *panchayats* are still working more or less satisfactorily; but on the whole the attempt to have any proper substitute for the existing courts has undoubtedly failed—thanks to the zeal of the agents of law and order. In some places, the scope and function of *panchayats* were wholly misunderstood and a complicated system in close imitation of the procedure obtaining in the British Courts involving appeals, reviews of judgment and revision of orders and the appointment of judicial and ministerial staffs was evolved by some legal genius. Such a system was foredoomed to failure and the wonder is that it worked well for a time. It is scarcely necessary to point out that the essence of a *panchayat* lies in the confidence placed in it by the public and not in elaborate artificialities of procedure. It would be well for Provincial Committees to frame a few simple and uniform rules for the guidance of subordinate committees with such modifications of the old rules of caste *panchayats* as the altered circumstances of the country require.

### *Titles*

63. There is no item of the programme which has met with so striking a success as the boycott of titles. We say so deliberately and with full knowledge of the fact that there have been few renouncements and that the periodical "honours" lists have been as full as ever—perhaps fuller, owing to the extraordinary increase in the eligibles by the addition of those who supported the Government in its campaign of repression. But the honour and glory of it has departed for ever. Titles have ceased to be paraded in public and semi-public functions outside Government Houses and official documents and the uncomfortable bearers of 'honorific' prefixes to their names prefer to be referred to as plain Pandit, Lala, Munshi or Mr. while the man in the street turns away from them the moment he discovers their abnormality.

### *Swadeshi*

64. The whole effort under the head Swadeshi has been concentrated on the production and popularising of Khaddar. It is gratifying to find that in 16 out of 19 Congress Provinces very considerable progress has been made, though the production is slow and unable to keep pace with the great demand. In Appendix III we have summarised all the available information and it is unnecessary to go into details here. The Khaddar department has recently been placed under the competent direction of Seth Jamnalal Bajaj who is devoting his entire energies to it. The result of his endeavours is not before us and it is premature to offer any suggestions on the system he has inaugurated. There are, however, a few



important points in this connection which require immediate attention. The great demand for Khaddar has tempted foreign manufacturers and local dealers to introduce a foreign substitute for Khaddar in the Indian markets and the fraud has been so cleverly carried out that it defies detection. The Khaddar depots in the larger towns easily lend themselves to this fraud as the demand on them is great and the sources of supply are limited. It has also been our painful experience to find that certain unscrupulous producers of the finer textures in and around Bezwada which had justly earned the reputation of being the modern Dacca of India have, in their cupidity, allowed the good name of their district to suffer in public estimation, to the serious detriment of themselves and the more honest members of the trade. It appears that these profiteers have used foreign and Indian mill-made yarn in great quantities to meet the enormous demand from other Provinces. Not many of the numerous Khaddar Bhandars dotting the whole country deal exclusively in the genuine stuff. Indeed it has now become impossible to say with certainty of any particular piece that it is Shudh Khaddar without elaborate enquiries, the result of the majority of which is highly unsatisfactory. It is said that there are experts who can distinguish the genuine from the spurious article but it is impossible to refer every purchase to them. We have carefully considered the question and, in our opinion, the only way out of the difficulty is to confine all Congress activities to the encouragement of the cottage industry and abandon all attempts to supply the requirements of dwellers in towns by opening large stores and depots and stocking them with cloth of unknown origin. We are not against manufacturing centres under competent supervisions. We were shown one in the village of Uttukuli in the Coimbatore in Tamil Nadu District where every process from the ginning of cotton to the production of the finished article was carried out under the management of Congress Workers and we are assured that there are many others of a similar nature in various places in Southern India and elsewhere. We suggest the appointment of a small committee of experts to go into these questions at an early date. It is noteworthy that the boycott of foreign cloth has already made itself felt in Lancashire (See Appendix XIV).

#### *The Tilak Swarajya Fund*

65. It is to be regretted that the collections for the All India Tilak Swarajya Fund have greatly been hampered by excessive repression and the general depression which followed it. Most of the workers who were in special charge of this important branch of the work are now in gaol. Numerous Congress offices have been raided by the police and account books, receipt forms and other important papers taken away—not in connection with any case pending in Court or under police investigation but in a purely lawless manner upon which it is easy to frame serious indictments if there were some Courts to try them. But we have to wait for the constitution of such Courts and meanwhile the collections must go on with the help of such workers as the gaols are too full to receive. Another reason why subscriptions to this fund have not poured in freely

from all directions is that no statements of account showing receipts and expenditure could be published by Committees who were deprived of their records by the police in the manner stated above. It is but natural for the public to make sure of what is being done with the money they have already paid before putting their hands into their pockets again. We trust that the public will realise the difficulties under which Congress work is being carried on and that the workers will try their best to meet the wishes of the public by making up and publishing such accounts as are possible on the existing data. We have in the course of our tour drawn the special attention of Committees and workers to the importance of this item of the programme.

A copy of the duly audited statement of accounts showing the result of Mahatma Gandhi's first big drive is printed as Appendix VI for the satisfaction of those who have needlessly allowed their peace of mind to be disturbed by the apprehension that the crore of Rupees announced on the 1st July, 1921 might not have been actually subscribed. The statement will show that the crore was over-subscribed by Rs. 12,91,407-0-11.

### *Congress Membership*

66. The work of registering members has also suffered for similar reasons. Provinces more or less free from repression have done a little better than those subjected to it in all its severity but, on the whole, the results are entirely unsatisfactory. This was put down either to repression or to the depression caused by the Bardoli resolutions and in Upper India to both. The work was taken in hand with energy in every Province as we passed through and we expect has, by now, made fair progress. We expect from the great enthusiasm prevailing in the whole country that the registers would be full soon after they are opened.

### *Volunteers*

67. The devotion and readiness for sacrifice demonstrated by the Congress volunteers during the December-January campaign is not likely to be forgotten by the public as well as the authorities. We wish we could say the same of their discipline; but if they were wanting in it, the fault was not entirely theirs. It must be remembered that they had little time between enrolment and arrest to receive any training and that many of them were taken before they could register their names. Experience has, however, shown that greater care is necessary in future recruitments in enlisting the proper men. That some of the so-called volunteers have done no credit to themselves or to the movement has been clearly established, but with this reservation no unprejudiced person can withhold his meed of praise from the brave and earnest men who came forward in response to the call of the country in their thousands regardless of consequences. Many of them are still in gaol, many have returned to their ordinary avocations for want of any particular work to do and many more are ready for sacrifice as soon as it is called for.

### *Untouchability*

68. Untouchability is a sore point in Southern India and to some extent in parts of Central and Western India. With a few notable exceptions, much practical work has not been done to remove this blot from the fair name of India. There is, however a perceptible change for the better slowly coming over the country. The difficulty is that the problem is wrongly mixed up with religious belief. The most gratifying feature of the situation is that the mental state of antipathy has all but disappeared. There is, therefore, no room for despair.

### *Anti-Drink Campaign*

69. A vigorous anti-drink campaign accompanied by a large number of cases with picketing of liquor shops was carried on throughout the country in 1920 and 1921. The immediate effect was a marked decline in the consumption of liquor but after the removal of the pickets the pendulum swung back and the evil asserted itself again in full force. But the movement has served to focus the attention of all classes of people on the drink evil such as no previous agitation succeeded in doing.

### *Inter-Communal Unity*

70. The Prime Minister of England in the famous speech recently delivered by him in the House of Commons has thus justified the maintenance of the Indian Civil Service for all time to come:

"There is great variety of races and creeds in India, probably greater variety than in the whole of Europe. There are innumerable divisive forces there, and if Britain withdrew her strong hand nothing would ensue except divisions, strife, conflict, and anarchy."

Now the strong hand of Britain is the "British Civil Service in India." Remove the cause of "divisions, strife conflict and anarchy" and you take away the sole justification for the continuation of that distinguished service. There can be no question that inter-communal differences constitute the sole cause of "divisions, strife, conflict, and anarchy" and that inter communal unity which means the removal of that cause means also the removal of all justification for the continuance of the Civil Service. It is not necessary to possess a very high order of intelligence to understand this.

### *The Civilian Mentality*

71. There are men among the members of the Indian Civil Service who believe that there is an impassable gulf which runs between the different communities, specially between the Hindus and Mohammedans, and that they can never unite except for the purpose of overthrowing the British Empire. This was clearly shown during the Punjab Martial Law regime. A distinct count of a long charge framed by a responsible member of the Indian Civil Service, against the accused, was "fraternization" or "abet-

ment of fraternization" of Hindus and Mohammedans with intent to overthrow the Government by law established. This fraternization consisted in Hindus and Mussulmans drinking water out of one and the same cup or tumbler which orthodoxy strictly forbids to Hindus generally and also to a certain section of Mussulmans. It was not a sort of loving cup passed round to seal a secret compact between these revellers in pure water but just simply a case of quenching thirst or moistening the throat from time to time during intervals in shouting "Mahatma Gandhi ki Jai" and "Allah-o-Akbar." But the criminal intent was there for they were sinking one of their vital differences in that little cup of water. The accused were convicted and heavy sentences ranging from transportation for life to imprisonment with hard labour for shorter terms were passed, and but for the Royal clemency all these men including the present Minister of Industries in the Punjab Government would now have been rotting in gaol. The average civilian sees danger in the two communities coming together unless both sides are known to be thoroughly "loyal".

### *The Indian Mischief-Maker*

72. There are among Indians certain classes of men in and out of Government Service—no country in the world is without such men—who believe that by promoting "divisions, strife, conflict, and anarchy" they would either be helping or pleasing the Civil Service and thereby advancing their own interests. These men never fail whenever a suitable opportunity arises, such for instance as Bakrid, Moharram, or Dasahra, to set one community against the other by fake reports or by doing or having something done to kindle the fire of religious frenzy just at the moment when excitement runs high. Nothing is easier than throwing a stone at a *tazia* procession or introducing a piece of beef in a temple or a slice of pork in a mosque on the occasion of some great festival. Some members of the community whose religious feelings are thus outraged lose their heads and go for the members of the other community present on the spot and serious results follow. There are reprisals and counter-reprisals sometimes lasting for days.

### *The Only Radical Cure*

73. The great curse of India is the highly excitable religious susceptibility of the people which furnishes an easy handle to mischief-makers under the best of conditions. Hindus and Mohammedans have lived as good neighbours for ages, they understand each other thoroughly, certainly more thoroughly than an Englishman can ever hope to understand either, they know that one community can gain nothing by insulting the religion of the other but the mischief-maker knows the weak points of both and never loses his opportunity. The only radical cure for the disease is the entire elimination of the mischief-maker but that, in view of the conflict of interests we have pointed out above, cannot happen unless and until the costly maintenance of the Indian Civil Service ceases to depend upon "divisions, strife, conflict and anarchy"; in other words, unless and until

Swarajya is fully established. It is only then that the mischief-maker will lose his activities. Meanwhile all that can be done is to minimize the chances of his success, which Congress workers both Hindu and Moham-medan are trying to do.

### *Malabar And Multan*

74. The joint efforts of the Congress and the Khilafat in combating the activities of the mischief makers have succeeded to a very considerable extent, but there is undoubtedly room for much greater improvement as evidenced by the deplorable events in Malabar and more recent regrettable outburst in Multan. We refrain from going into these sad occurrences in detail as, in the case of Malabar, a separate enquiry is being held by another Committee appointed by the Working Committee under the chairmanship of Mr. Faiz Tyabji Bar-at-Law, an Ex-Judge of the Madras High Court, and in the case of Multan the occurrence is too recent to admit of a correct analysis of the true facts. But whatever the origin of these disturbances, they can only be regarded as national calamities and the misdeeds committed in both places cannot be too strongly condemned. It is re-assuring, however, to find that the leaders of the two communities in both places are adopting all possible measures to restore harmonious relations. But for the echo of Malabar and Multan occasionally heard here and there the relations between the two communities in the rest of the country are satisfactory. Not a few attempts of mischief-makers to stir up trouble have on various occasions been successfully frustrated by the timely intervention of Congress and Khilafat workers.

## CHAPTER V

### CIVIL DISOBEDIENCE

#### *The Situation*

75. In the previous chapters we have passed in rapid review the History of Non-cooperation from its inception to the present time, the victories it has won and the reverses it has suffered. We have also traced the course of the Government policy of severe and reckless repression to stifle the movement by every means in its power. It is not easy to determine with any approach to exactitude the balance of gains and losses on each side. The Government and its supporters claim a decisive victory but while proclaiming from house tops that non-cooperation is dead they look over their shoulders to make sure that the non-cooperator is not actually upon them even as they speak. The latter fully conscious of his strength and confident of ultimate success lays no claim to complete victory. There is no victory for him till the Government of the country passes into the hands of the people of the country. What then is the true position at the present moment? Let us sum up briefly.

#### *Position of Congress*

76. The Congress worker after holding his own for two long years against a mighty Government, despite heavy casualties finds himself suddenly checked at the very moment he, rightly or wrongly, believes that he is ready to deliver the final blow, and is practically told (for the best of reasons be it conceded) to begin again, with no guarantee that he will not be similarly checked at the end of the second course of preparation by some individuals losing their heads in one or more outlying parts of this vast country. A couple of weeks later public feeling asserts itself at the meeting of the All India Congress Committee and in response to it the right to regulate individual civil disobedience, aggressive and defensive, hitherto vested in Provincial Committees is restored to them. Soon after this Mahatma Gandhi goes to gaol, leaving behind a strict injunction against demonstration of any kind whatever. That injunction is too sacred to be disregarded but the modification of the Bardoli resolution secured at Delhi provides a wide enough outlet for the pent up feelings of the people as well as full opportunity for a strenuous prosecution of the constructive programme. That outlet is effectually closed by the Working Committee almost immediately after Mahatmaji's incarceration and the concession grudgingly made at Delhi is practically withdrawn by the grave warning to Provincial Committees (dictated no doubt by considerations of the highest prudence at that particular juncture) "against any hasty use of the powers conferred upon them in respect of individual civil disobedience, whether defensive or aggressive" (Appendix XI I). The worker whose zeal was tempered with a love of excitement finds himself ill at ease with what he considers to be the humdrum part of the work and takes little interest in it. The worker fired with a genuine enthusiasm sharpened by the love of the work for its own sake falls an easy prey in the hands of the

police who pick him up wherever he is found carrying on his innocent activities, under one of the convenient sections of the Code of Criminal Procedure or even without the trouble of appearing to act under colour of law. The All India Committee again meets at Lucknow and finding it to be the general sense in the country that a step forward should be taken appoints this Enquiry Committee to go into the question and report on the situation after a full investigation. The country now awaits a proper lead from the All India Committee. This is one side of the picture.

### *Position of the Government*

77. The Government mistakes the Bardoli resolution as a sign of weakness and interpreting the modification made at Delhi as an index of the waning popularity of Mahatma Gandhi lays violent hands upon him. It is further encouraged by the calm and quiet atmosphere which prevails after the arrest to accelerate the speed as well as the severity of repression, making it almost impossible in many provinces for any constructive work to be peacefully done. Knowing full well that such enforced quiet can never secure the contentment of the people, it hopes, after the manner of all alien and despotic Governments, to keep them under its heel by terrorism, and there is a constant display of the might of the Empire, the military and the armed police are in evidence everywhere. The members of the Legislatures, who were in the beginning petted and pampered, having after repeated trials been found sadly wanting in influence over the people are now relegated to the position which is theirs under the Reforms and treated with scant courtesy, little short of utter contempt. When scolded in the council chamber for exercising their undoubted rights, even under the shadowy Reforms, their loyalty to the constitution, so dear to them, suggests a meek submission to further castigation in the ante-chamber of the Government House as a fitting expiation for their attempt at independence and a prudent move to secure a fresh lease of life. The Government based on physical might and incapable of recognising the existence in the universe of a superior force tries to believe that non-cooperation lies prostrate at its feet. The necessity for permitting its spoil-child, the councillor, occasionally to tread on its toes having thus disappeared and with it the desirability to spare the rod, it reminds him that his 'prospects' depend on its own good will, euphemistically described as the good will of the British Nation and dismisses him with a broad hint that he might do worse than acquiesce in the legislation desired by it. After these achievements it makes an effort to settle down but feels uneasy at the near approach of the new elections and realizing that the non-cooperator has the support of the country behind him threatens him with terrible consequences if he dared to wreck the reforms. Convinced in its heart of hearts that the non-cooperator is not made of the soft material found in the composition of the obsequious councillor, the Government also awaits the decision of the All India Committee for its own purpose—the forging of new weapons to meet the new situation. This is the other side of the picture.

*No Change for Its Own Sake*

78 There is a general demand for some decisive step without any definite suggestion as to the direction in which it is to be taken. We fear that such a vague demand is consciously or sub-consciously based on the single desire to enthuse the worker, who without caring to consider the immense potentialities of the Bardoli resolution has allowed his zeal to abate. We may say at once that we are not influenced by any such desire and our answer to it is to be found in the following words of Mahatma Gandhi:

"Some friends argue that in order to continue the struggle the people need some stimulant. No person or nation can be kept alive merely upon stimulants. We have had much, too much, of it latterly. And the antidote now is a depressant. If therefore depression follows the cessation of all aggressive activities and people forsake us, it would not only not hinder our cause but help it. Then we shall not have to shoulder the responsibility for a Chauri Chaura. Then we would go forward with a steady step without any danger of having to look back. If however we can survive the depression and keep the people with us, we shall have positive proof that the people have caught the message of non-violence and that people are as capable of doing constructive work as they have shown themselves capable of doing destructive work. Whatever the result, the present excitement must be abated at any cost."

(*Young India*, March 2nd 1922)

The step to be taken must therefore be one called for by the actual need of the hour and not merely to satisfy the desire for a change however general it may be.

*Decisive Step Needed*

79. The evidence given before us shows that there is not only a general desire but a pressing need for some form of civil disobedience to be adopted, without which it is difficult to advance the constructive work and carry on the normal activities of the Congress in the face of the determined opposition set up by the Government at every step. There is a very large number of witnesses who believe in constructive work both on its own merits and as a means of preparing the people for mass civil disobedience. The majority of these consider the immediate adoption of defensive individual civil disobedience in some form on a large scale to be necessary for the vigorous prosecution of the work. Only a few can think of the constructive programme as a thing apart from mass civil disobedience and quite sufficient in itself for the ultimate attainment of Swarajya. Fewer still have any hope of the success of the constructive programme without the adventitious aid of individual civil disobedience, offensive or defensive, from time to time as occasion arises. Then we have a class of witnesses who while they fully appreciate the importance of constructive work do not believe in it as an essential step either



towards civil disobedience or the attainment of Swarajya.

It will thus be seen that the need for some definite action is clearly established. The only question is what is to be the nature of that action and which of the various proposals made is the most suitable.

80. We shall first take mass civil disobedience which is specifically mentioned in the resolution of the All India Committee passed at Lucknow.

### *Stringent Test of Preparedness*

The first and the most important general observation to be made is that if the stringent tests laid down by the All India Congress Committee in the resolution passed at Delhi on the 4th November 1921, are to be applied, no province, district or tahsil in India, except perhaps Bardoli which was at one time declared to be ready, is fit for mass civil disobedience. It cannot be said of any district or tahsil that "therein a vast majority of the population have adopted full Swadeshi or are clothed out of cloth hand-spun and hand-woven and believe in and practise all the other items of non-cooperation". If the necessity or propriety of this test were not questioned we should not have felt justified in pursuing this question any further. But we find there is a body of opinion specially in Bengal which, while it attaches due importance to the desirability of fulfilling the conditions laid down, does not regard them as essential for a resort to civil disobedience. In view of this we shall refer briefly to the evidence adduced before us.

### *General Mass Civil Disobedience*

81. A reference to Appendix VII will show our general classification of witnesses on this and other important points. Of the various forms of civil disobedience referred to above what is known as general mass civil disobedience including the non-payment of taxes has found only four staunch supporters (Group A) out of the 366 witnesses we have examined and 93 others who have submitted written opinions only. It is hardly necessary to examine the grounds on which these four gentlemen think that the country is ripe to embark upon a campaign of such vast magnitude. The principal factor in determining the readiness of the people at large to resort to any particular form of civil disobedience is the readiness of the chief workers who have to bear the whole brunt of directing the campaign; and if we can find no more than four persons in all India to shoulder the responsibility we think we can without examining their evidence in detail safely ask the country to wait.

### *General No-Tax Campaign*

82. We then have two groups of witnesses (B and C) numbering three and five respectively. The first of these advise the immediate launching of a general no-tax campaign throughout the country but would not

break any other laws; and the second advocate the adoption of immediate mass civil disobedience limited to particular laws and taxes only. What we have just said about the group of witnesses applies with equal, if not greater force, to the evidence given by these gentlemen and it is unnecessary to notice it further. Of the remaining 447 witnesses 9 (Group G) are against mass civil disobedience in any form on principle apart from the readiness or otherwise of the people to undertake it and the rest with the exception of a few who have offered no evidence on the point have given it as their considered opinion based on personal knowledge that the country is not yet ready to embark on general mass civil disobedience at present. Many of these latter class estimate the time requisite for the necessary preparation of the district or province which they come from at varying periods from 6 months to 6 years or more.

### *Country not Ready*

In view of the recommendation we are going to make on the whole subject of civil disobedience we do not feel called upon to enter into these speculations. It is enough to state here that the country is not ready at present to undertake general mass civil disobedience or a general no-tax campaign in any Province or District.

### *Limited Mass Civil Disobedience*

83. The question of adopting mass civil disobedience in reference to a particular law and order or some local or provincial tax e.g., the Chowkidari tax in Bengal stands on a different footing and cannot be decided on general considerations. It is obvious that a situation may suddenly develop in a particular locality demanding an immediate resort to civil disobedience of this nature by persons thoroughly prepared for it. No hard and fast rule can be laid down for such an emergency and it must in all cases be left to the Provincial Committee to permit such civil disobedience after fully satisfying itself of the urgency of the case and the readiness of the people concerned to suffer all the consequences with perfect non-violence.

### *Defensive Individual Civil Disobedience*

84. We next come to individual civil disobedience. The weight of evidence preponderates in favour of the type known as "defensive" which claims no less than 243 supporters who are ready to make a beginning at once. Out of these 112 are equally strong in favour of the aggressive form. There are 161 others who favour both forms but are not quite ready for an immediate resort to either. Lastly there are 9 who are opposed to both in principle. This short analysis will show that the Delhi resolution of the 24th-25th February last crystalizes the general effect of this evidence on the subject and fully meets the wishes of all the witnesses, except the 9 last mentioned. In permitting both aggressive and defensive individual civil disobedience generally in all provinces it satisfies the general demand for it, and in subjecting it to the previous sanction

of the Provincial Committees it brings those, who are ready to begin at once, into line with those who are not, for it leaves the question of readiness or otherwise to the decision of the Provincial Committee.

But the Delhi resolution of the 24th-25th February applies only to individual civil disobedience and cannot include mass civil disobedience, even in the restricted form which as we have pointed out above must also be left to the discretion of the Provincial Committee. On a review of all the evidence and the circumstances of the country it seems to us that the best course would be to restore Resolution II passed by the All India Congress Committee at Delhi on the 4th-5th November which gives Provincial Committees all the powers necessary to determine upon a resort to civil disobedience of any kind whatever and cancel Resolution I cl. I passed on 24th-25th February to the extent it conflicts with the earlier resolution with the reservation that general mass civil disobedience is not permissible.

#### *Working Committee Resolution Explained*

85. We wish here to make it perfectly clear that the warning uttered by the Working Committee on the 17th, 18th March last at Ahmedabad (Appendix XI. I) was never intended to restrain a Provincial Committee from permitting individual civil disobedience, aggressive or defensive, if the conditions laid down were fully satisfied. That warning had special reference to the very critical period of Mahatma Gandhi's arrest and even then was directed against the "hasty use of powers." Now that the country has successfully emerged from the greatest trial of endurance and self-control it could be subjected to by remaining thoroughly non-violent at the arrest and imprisonment of the great leader of the movement, the warning of the Working Committee has spent its force though of course a "hasty use of powers" is always to be avoided.

#### *Illegal Orders not Binding*

86 Having regard to the determination of the Government, as evidenced by the action of its subordinates, to suppress every activity of the non-co-operator, whatever its nature, we are clearly of opinion that the normal work of the Congress should not be allowed to suffer under any circumstances by reason of any illegal orders that may from time to time be issued. The point we wish particularly to emphasize is that there is nothing wrong or illegal in the prosecution of the constructive programme as laid down at Bardoli and reaffirmed at Delhi and that any orders designed to interfere with the carrying out of that programme under the cloak of law can only be characterised as dishonest and can have no binding force whatever. Disobedience of such orders is not civil disobedience.

#### *Can be Rightfully Disobeyed*

87 It is evident that a law or order to have any binding effect must be legally in force and applicable to the given case; if it is not, there is no

sanction behind it and there can be no question of civilly disobeying what is *ipso facto* void. On the contrary, it would be the legal right of the most law-abiding citizen in the world to ignore and disregard it altogether if it interferes with his business or the performance of his duty. For example, the Criminal Law Amendment Act, Part II can only apply to a district or province if a proper notification, declaring certain associations within the district or province to be unlawful, is duly promulgated by competent authority. Suppose such notification is not issued or, if issued, is not in accordance with law, there can obviously be no offence under the Act. There are good reasons for holding that the notifications issued by Bengal and U.P. Governments were not according to law. Again, take the very much misused Section 144 of the Code of Criminal Procedure which is applicable only to urgent cases of nuisance or apprehended danger and requires certain legal formalities the observance of which is essential. Even when all the formalities are duly complied with it has only temporary effect within reasonable bounds.

### *Misuse of Section 144*

It is well known that a large percentage of the orders issued under this Section were wholly without jurisdiction and absolutely void, not a few being actually dishonest. No law has, to use the language of Mahatma Gandhi, been more "prostituted to serve the base ends" of the authorities than this section. We give in Appendix VIII the judgment of the Judicial Commissioner of Oudh in typical case of this nature. It is no matter for surprise that even after and in spite of this judgment, and in Oudh itself, orders of the nature held to be invalid by the highest Court in the province continued to be passed and were complied with in the belief that non-compliance would amount to civil disobedience which had not been sanctioned by the Provincial Congress Committee. The general impression among a large section of workers and Congressmen is that they would be resorting to civil disobedience if they refused to comply with any order of a magistrate or of the Police, good or bad, and it is this impression which has hampered Congress work on the one hand and accentuated the demand for the commencement of mass civil disobedience on the other. The "prohibited public meetings" mentioned in the example given in the note appended to the resolution of the All India Congress Committee must be taken to mean such meetings as had been prohibited by a lawful order passed by competent authority; otherwise no question of civil disobedience, mass or individual, aggressive or defensive, could possibly arise. But the omission of this qualification, probably due to the obvious nature of it, has caused misconception. We desire therefore, to make it perfectly clear that civil disobedience, as we conceive it, has nothing whatever to do with illegal orders and that it is the indisputable right of every citizen to break them at will.

### *Reference to Provincial Committees Necessary*

At the same time we must not be understood to advocate the breaking

of these orders by all persons and at all times without reference to the exigencies of the case. We fully recognise that it is difficult for those who are not lawyers to form a correct opinion about the validity or otherwise of particular orders, and would therefore advise a reference to the Provincial Committee before action is taken by individuals. In all such cases the Provincial Committees would do well to indicate the lines on which alone action may be taken and further to make it clear whether they are advising civil disobedience or merely non-observance of an illegal order. It is not the case that all orders under Section 144 are invalid; if that were so, Section 144 would be superfluous which it certainly is not. We have thought it necessary to draw attention to this point with a view to remove a general misconception and to make it clear that our proposals in regard to civil disobedience do not apply to illegal and invalid orders which stand on a different footing altogether.

We trust that when these points are made clear there will be no further difficulty in adopting the right course whenever the normal activities of the Congress are interfered.

## CHAPTER VI

### ENTRY INTO LEGISLATIVE COUNCILS

#### PART I

*Views of Sriyuti Kasturi Ranga Iyengar, M.A. Ansari  
and Rajagopalachariar*

#### *Committee Equally Divided*

88. Three of our esteemed colleagues have recommended the removal of the boycott of Councils from the non-cooperation programme. We regret we cannot agree to this conclusion. After the committee's tour was concluded, at its sitting at Patna on the 14th August, there was a full consultation among the members and resolutions were recorded on the various points at issue, and on this question of entry into Councils all the members except one recorded their opinion against any change in the existing programme. But on the 7th October, when the committee met at Delhi to pass their report to the All India Congress Committee, it transpired that the two of the members had reconsidered their position, and that the committee was equally divided over this question. Hence it has become necessary for us to record our views separately. We have not had the advantage of perusing the portion of the report recording the opinion of our esteemed colleagues, which is in the course of preparation, though they have explained their main reasons and conclusions orally to us.

#### *Entry into Councils a Retrogression*

89 The proposal of entry into the Councils, in whatever form, involves a distinct violation of the principle of non-cooperation and a clear departure from the policy of the Congress which was inaugurated in the Calcutta special session and was re-affirmed at Nagpur and Ahmedabad. The striking success which attended the carrying out of this part of the non-cooperation programme throughout the country has already been described in Chapter IV. It is in our opinion a very unwise policy to abandon this item of the non-cooperation programme instead of devising suitable measures to bring about even more striking results in the ensuing elections. The Legislative Councils are the institutions on which the Government chiefly relies for its strength and prestige. To enter the Councils now would be a retrogression in the policy of the Congress, and would enable Government to regain its lost prestige.

"Not the least encouraging sign of the present situation," said Sir George Lloyd, the Governor of Bombay, in his address to his Legislative Council on the 21st September last "is the fact that in several parts of the country some of those political groups who were once adherents of the non-cooperation programme and of the boycott of the machinery of responsible Government are now, if rumour speaks truly, coming round to a view favourable to the Councils and have decided in future

to prosecute their political aims through the constitutional machinery expressly set up for that purpose. This is a distinct step in advance and is itself a valuable testimony to the ever increasing prestige of the Reformed Councils."

On the other hand, the effect of the proposal on the people is well brought out in the evidence of Mr. Santanam (Secretary, Provincial Congress Committee, Punjab):

*Hakimji. Q.* Does your Committee think it useful to go into the Councils?

*A.* We have not discussed the question in the Committee. I think the very discussing of the question will be harmful to our country and to non-cooperation.

*Q.* What is the harm?

*A.* The people will begin to think that our movement has failed. And this will be a blot on our movement. If we discuss going into the Councils, then there is no need of non-cooperation.

Pandit Harkaran Nath Misra, Secretary of the Provincial Congress Committee, U.P. is of the same opinion:

*Hakimji. Q.* Do you think going into the Councils will have a very bad effect on the public mind?

*A.* Certainly.

Dr. Pattabhi Sitaramayya's (Andhra) opinion is seen below:

*A.* I am convinced that the Government will not be brought to its knees through the Councils. Deadlock will fail. We know what weapons Government have.

*Panditji. Q.* You say that even if the Congress were to pass a resolution permitting entry into Councils, public opinion would not support it?

*A.* They would simply view it as a fall of the Congress and failure of non-cooperation.

*Q.* Even if Mahatma Gandhi himself were to put it before them?

*A.* They would still consider that non-cooperation has failed.

### *Country Generally Against Entry*

90. Throughout the country in our tour it was clearly brought home to us that public opinion was strongly against any change in the Congress programme of boycott of Councils. Even in Poona, Nagpur and Akola, Maharashtra leaders who were in favour of entry into Councils admitted that their proposal would receive very little support in public meetings. In the evidence which has been adduced before this Committee the witnesses who gave evidence on the subject are classified in the following manner:

(Number of witnesses).

Against entry into Councils	302
Against entry into Councils but for contesting elections	1
For entry into Councils only if Fatwa is revoked	3
For entry into Councils if civil disobedience is abandoned or not launched for the present	5
For removal of ban and making entry optional	7
For entry into Councils with Congress mandate	23
For entry into Councils with majority only	18
For entry into Councils even in a minority	11
For entry into Councils for total obstruction	15
For entry into Councils for responsive cooperation	36
For entry into Councils for utilizing Councils as they are	36
For entry into Councils and running elections by Congress	4
For entry into Councils and running elections by individual effort	1
For entry into Councils for responsive non-cooperation	3

It will be seen that witnesses who are against entry into the Councils form an overwhelming majority. Taken by provinces, in seventeen the majority of witnesses are overwhelmingly against entry into councils, while only in two, the opposite view is supported by a small majority. There is no doubt that the country generally is against entry into the Councils.

#### *Negligible Number for Total Obstruction*

91 With reference to the objection that entry into Councils will be a violation of the policy and principle of non-cooperation, our colleagues maintain that their proposal is not open to that charge, as they would go into the Councils with the sole object of wrecking the reforms, strictly ruling out all minor benefits. Their proposal is to recommend to the All India Congress Committee that "the time has come to carry the fight into the councils on lines of strict non-cooperation, viz; for the purpose of wrecking the reforms. This they propose to achieve by total obstruction." This very proposal was fully discussed at the special session of the Congress held at Calcutta in September, 1920 and was rejected. Of the witnesses examined by us, who favour entry into councils, only 15 are for total obstruction, the rest would utilise the Councils in some way or other. It is needless to emphasise the fact that the proposal of our colleagues stands shorn of support from all but an extremely negligible number of Congressmen in the country, and is very different from the position taken up by the leaders like Messrs. Kelkar, Aney and others who have been agitating for the removal of the boycott of councils for sometime past. Dr. Moonje (Nagpur) stated that he is not for a policy of total obstruction at once but would have mandates from Congress from time to time. He would vote with the Government for beneficial measures:

*Mr. S. Kasturi Ranga Iyengar. Q. You said you have no objection*



to Ministers being appointed from among the non-cooperation party in the Councils.

*Dr. Moonje A.* Not only have I no objection, but I would wish that they should be selected from our party.

*Q.* But the Minister is expected to cooperate with the Executive Government in many respects.

*A.* He may cooperate so long as he obeys the Congress mandate. There is no harm in that.

Mr. Abhyankar (Nagpur) also would not obstruct all measures of Government but only the harmful ones.

Mr. Kelkar (Poona) leaves the same impression in his answers.

*Panditji. Q.* Do you wish to go into the Councils to cooperate or non-cooperate?

*Mr. Kelkar. A.* To non-cooperate in the sense of resisting whenever possible. If it is a beneficial measure I would not oppose it.

#### *Evidence of Pro-council Witnesses*

92. The evidence of Mr. A. Rangaswami Iyengar (Madras), Mr. Ramadas (Andhra) and Mr. Satyamurti (Madras) is also of the same character.

*Panditji. Q.* But the whole question and the principal reason for not going into the Councils is that you will, by entering the Councils, be frittering away your energies on side issues and little things, and lose sight of the real objective

*Mr. Rangaswami Iyengar. A.* My own feeling is that by doing these little things in the Councils, we will be very much assisted in the Congress work than otherwise.

*Mr. C. Rajagopalachariar. Q.* I am asking you what you will recommend me to do if I stand for a seat in the Council. Am I to move proposals in connection with subjects such as education and land revenue?

*A.* In so far as they are intended to carry out the Congress programme and for the removal of injustice.

*Q.* If good measures are brought by Government and are opposed on account of party or vested interests, shall we strengthen the hands of Government?

*A.* We ought to support the Government in preventing the evil.

*Q.* We should not take up an attitude of total obstruction?

*A.* No.

Mr. V. Ramadas's (Andhra) opinion is that,

"people should not go into the Councils for the purpose of creating a deadlock. My view is that Congressmen who enter into the Councils should not defeat the reform scheme but should work it. . . . I will help the Government if they want to pass any good measure. I will oppose, if they are going to pass any bad measure."

Mr. Saty

*Mr. Rajagopalachariar.* Q. I believe you are out for total obstruction?

*Mr. Satyamurti.* A. I shall be for anything which leads us to Swarajya. I do not decide.

Q. I wish to know whether anything more can be done by way of pledges or mandates?

A. I think they degrade humanity. It really promotes hypocrisy. I am not in favour of Congress mandates or pledges from the Council candidates.

*Mr. Kasturi Ranga Iyengar.* Q. You will take up whatever measure you consider necessary in order to attain Swarajya, irrespective of the principles of non-cooperation?

A. Yes.

In contrast with these statements, our colleagues hold that "they would on no account whatever modify the totality of the obstruction by any compromise in the shape of responsive cooperation or responsive non-cooperation."

### *Chances of Majority Remote*

93. Notwithstanding the preponderating opinion of the Congressmen to the contrary our colleagues hold that a lead must be given to the country in the direction of the entry into Councils. We cannot agree with them that it is proper thus to brush aside the opinion of the vast body of Congress workers and of the country at large. It involves at the very outset a diversion of the public attention and energy from the constructive programme to a campaign of converting the vast body of Congressmen to the new programme. The strong and overwhelming testimony of Congressmen is also important to show that if the proposal recommended by our colleagues is adopted, the chances are remote for obtaining such a majority at the elections as is one of the essential conditions of the success of the scheme. The constitution of seats in the Legislative Council with its class, communal and special interests renders it absolutely impossible to secure a majority sufficient to create deadlocks in the manner contemplated. Moreover even if the non-cooperators succeed in getting into the Councils in large numbers it is highly impracticable to be obtaining Congress mandates with reference to their action in the Councils and to secure effective discipline. We should not forget the words of Lala Lajpat Rai in his speech at the special session of the Congress at Calcutta:

"There is a great deal of force in what Mahatma Gandhi said that in all these Councils there was an insidious poison which might demoralise our men who go to these Councils. There is a great deal of absolute truth in this. I know from actual experience that many of my noble friends, whose patriotism I do not dispute, whose high motives I have no reason to question, have had their patriotism and their nationalism poisoned by going to these Councils."

The following extracts from the evidence will illustrate the difficulties referred to above:

Pandit Harkaran Nath Misra (U.P.)

*Panditji. Q.* On principle you are against going into the Councils. From the practical point of view, principle apart, do you think that the only conditions upon which non-cooperators may enter the Councils are most difficult if not impossible to be performed?

*A.* Yes. This is it.

### *Eminent Leaders Disqualified*

94. A large number of non-cooperators including the most eminent leaders, Mahatma Gandhi, the Ali Brothers, Lala Lajpat Rai, Maulana Abul Kalam Azad, Mr. Yakub Hasan, Maulana Abdul Majeed Sharar, Pandit Santanam, Mr. Jitendra Lal Banerjee, Mr. Shyam Sundar Chakravarty, Mr. George Joseph, Mr. Jawaharlal Nehru, Mr. Krishna Prasad Sen Gupta, Mr. Purushottamdas Tandon, Dr. Varadarajulu Naidu, Mr. Shankerlal Banker and many others of our best men—are disqualified under the rules by reason of sentences passed on them. We are of opinion that so long as the rule is maintained it will be inconsistent with self-respect and dignity for non-cooperators to think of entering into the Councils. Public opinion in this respect is well reflected in the following extract from the evidence of Babu Rajendra Prasad:

*Panditji. Q.* We have been fighting for the sake of self-respect. Having regard to the fact that there is disqualification attached to some of the workers because they have been convicted by British Courts and sentenced to periods of imprisonment for over six months, is it consistent with self-respect to go into such Councils and send only such people as are not so disqualified and to submit to the disqualification by sending those who are not disqualified?

*Babu Rajendra Prasad. A.* It would be cowardice to go, and I use the word for want of a stronger term.

### *Oath and N.C.O. Principles Violated*

95. In our opinion entry into the Councils for the avowed purpose of obstructing all measures whether good or bad and of wrecking the reforms is obnoxious to the principle and the spirit of the movement as conceived by its great leader. When the proposal was discussed in 1920 Mahatma Gandhi deprecated it on the ground that it was not a good and honest policy to get entrance into an institution in order to wreck it. Further, every member is required to take the oath of allegiance which includes a solemn promise "faithfully to discharge the duty upon which he is about to enter." No conscientious person can stand for election with the avowed object of wrecking the institution and take such an oath, and except by casuistry or mental reservation can feel justified in adopting such a course. Indiscriminate obstruction will be a manifest violation of the oath, and it

should be repellent to every sincere believer in the basic principles of the non-cooperation movement, which has hitherto been conducted on a high moral plane.

### *Entry into Councils Futile*

96. It is needless to state that the powers reserved by the Government under the Act and Rules are sufficient effectively to prevent any deadlocks that may be attempted and to overcome all kinds of obstruction. They can also make further rules to meet such contingencies and to prevent the entry of non-cooperators with the declared object, not of constitutional opposition but of wrecking the very institution. The Government would have no compunction to exercise its powers in all these respects. It has been expressly declared at the time of the passing of the Act that the exercise of such powers should not be deemed abnormal. It is contended that to force the Government to exercise such powers and to reduce the administration to naked Civil Service rule would expose the real character of the Government and further the ends of non-cooperation. We may, however, point out that the Government can well maintain that they have no other course open to them to meet the extraordinary situation created by us. We should not be understood to say that it is wrong or immoral to wreck the reform scheme or the institution created thereunder. One of the objects of the non-cooperation movement is to attain this very end; but it should be achieved from outside and by our own efforts and by the tortuous method proposed. The scheme appears to us futile and an unworthy expedient to be adopted by our great National Assembly for the attainment of Swarajya.

### *Failure of Dyarchy Already Proved*

97. Where is the need for the non-cooperators to exert their energies to enter the Councils, in order to wreck the Reforms when they already stand exploded? It has been abundantly shown during the last two years that the diarchical system is a complete failure and the bureaucracy is still all-powerful. Men of all shades of political thought are now agreed upon this view. There cannot be a clearer admission than that of Sir Valentine Chirol's recent statement in the *Times*, that the reforms "have been largely nullified by the dishonest evasions to which recourse was had after the repression of the Punjab Troubles of 1919."

### *Constructive Programme*

98. The constructive programme of the Congress has received insufficient attention and requires intensive effort, especially on the part of the leaders, to bring up the country to the level of preparedness for undertaking civil disobedience. A campaign of entry into Councils at the present time would have the certain effect of relegating the constructive programme to the cold shade of neglect.

*Responsive Cooperation*

99. We have so far dealt with only the proposal suggested by our colleagues, of entering the Councils with the idea of total obstruction. We have not referred to the proposals of responsive cooperation put forward by the majority of those who advocate the removal of the boycott of the Councils.

We are of opinion that they are all opposed to the principle of non-cooperation and involve the supposition that the movement has failed in its objective. This is a gross misreading of the situation. On the other hand all that we saw during our tour has convinced us that within the short time it has been in operation the movement has obtained a firm hold among all classes of people throughout the country, that there is no lack of enthusiasm or willingness to sacrifice, and that they were already recovering from the effects of the general repression and the arrest and incarceration of their beloved and saintly leader. In our opinion the requirements of the situation are that the leaders should earnestly and vigorously take up the working of the constructive programme even as Mahatmaji would have done if he had been with us, without diverting public attention and energy of Congress workers by new proposals or reviving discarded schemes.

We feel that schemes of obstruction and deadlocks will in course of time degenerate into ordinary cooperation. The process of grading off is already indicated in the trend of thought of some of the witnesses who gave evidence in support of entry into Councils.

*Fatal to National Cause*

We cannot but express our apprehension that if the proposals are accepted the Congress will become of secondary importance and the electioneering organisations which will be brought into existence will assume undue importance. This transfer of prestige will be fatal to the national cause.

*Bad Blood*

100. The building up of national solidarity, the conservation of resources, and the prevention of strife and discord are the need of the hour. Embroilment of the non-cooperators in the elections is sure to breed strife in their own ranks as well as with other classes of our countrymen. Intercommunal jealousies will be created and fomented, and the bad feelings engendered by the elections are likely to affect prejudicially the more solid and enduring constructive work which awaits the earnest attention of the Congressmen. Whether with the object of wrecking the Reforms or working them for what they are worth, the entry of the non-cooperators into the Councils is an undesirable step at the present stage of the Non-cooperation movement. As the evidence before the Committee has disclosed, the feeling in the country against it is very strong. The following extract from the evidence of Babu Rajendra Prasad (Bihar) represents the opinion of the vast majority of non-cooperators:

*Q.* With regard to entry into the Councils you state your opinion that it is impossible to further the constructive programme through the Councils. Apart from that what would be the effect of a change in the programme in your opinion in that respect, supposing we pass a resolution in the All India Congress Committee allowing entry into the Councils. And if that part of the Congress resolution is modified, what would be the effect of such a modification on the general body of Congressmen, in your opinion?

*A.* I think it will have demoralising effect upon the general body.

*Q.* How? Please explain.

*A.* In this way. We have been preaching against the Councils for these nearly two years, and now it is not like the case of schools where you can keep quiet, but if you want to go into the Councils, we have to preach to that effect, and inconsistency in the two positions will be so marked and apparent that it will have a bad effect on the masses and also on the general public.

*Q.* It will have a bad effect. Do I understand you to say we will lose their confidence? What bad effects?

*A.* That will also be one of the effects.

*Q.* Supposing we take great pains to explain to the people that for such and such a reason we have to change the programme, suppose we take a lot of trouble over that, can they get over it?

*A.* I believe it will not be possible to educate the public to that extent. At any rate not in the near future.

*Q.* Then what is your view? Forget all this. Supposing the public will not be demoralised—don't allow yourself to be influenced by this view but answer independently—what is your view as to whether our Congress organisations, our local and district organisations, should take part in the elections if we allow entry into the Councils, put up candidates running about to get votes &c. to bring the voters to polling booths and so on, what is your view as to that?

*A.* If I can take the analogy of Municipal boards I think the running of candidates on behalf of the Congress will create *bad blood* among the workers and also among the masses.

*Q.* You said taking the analogy, you mean to say your experience as to what has been permitted about candidates for the Municipal Councils leads you to this conclusion?

*A.* Yes, that is my experience re Municipalities. In the Municipalities some people have failed, others succeeded. There has been bad blood. In one or two places the Congress Committee have tried for election of candidates for Municipalities. In Bhagalpore it has succeeded and is going on very well. In Mirzapore it has failed.

*Q.* That is to say it becomes a personal matter.

*A.* Yes.

*Q.* On account of personal matters, questions arise and create bad blood.

*A.* Yes.

*Q.* So your view, even if such a thing is allowed, is that the running

of candidates, canvassing &c. should be kept out of Congress organisations?

A. Yes.

Q. I assume for the purpose you would not stand for the Councils?

A. I would not.

Q. Yet some other friends might stand if the Congress permits, and if the Congress organisations also are allowed to take part in the elections, what would your attitude be in the Congress Committee? Would you spend Congress funds for this purpose?

A. I would not like to vote money for this expenditure.

Q. Would you like to serve on such Committees? Suppose a sub-committee is appointed for running candidates you would not like to serve?

A. I would keep out of it personally. I would not like to serve.

Q. Your own view is in this way many difficulties would arise by working such a programme?

A. Many difficulties would arise. For example in the case of Municipal candidates there are differences among the candidates themselves, the Congress organisation was not strong enough always to get its own candidates elected, and that led to friction with other people which hampered Congress work. I mean the work of the organisation. In the case of the councils I think this will become intensified.

Q. Would the work of enrolling members, collections for the Tilak Swarajya Fund suffer by this?

A. Tilak Swarajya Fund collections would certainly suffer.

Q. Among the Congress Volunteers and workers will there be intense difference of opinion in this matter?

A. There may be with regard to particular candidates. In a particular constituency the Congress organisation may like to run a particular candidate, whereas the local workers might not like the candidate and there would be difference between the workers and the Congress Committee.

Q. On the whole your opinion is against this?

A. Yes.

### *Consolidation of National Forces*

101. The political salvation of the people lies in different channels from those which have been established by an alien Government. The contest is a most unequal one between the non-cooperator and the Government if conducted in the Legislative Councils as at present constituted. We feel that any change of our programme is most inopportune at the present juncture when Government is feeling acutely its moral defeat. What is required at this moment is consolidation of national forces through the constructive programme and not controversial proposals leading to disintegration and disunion.

### *Mahatmaji's Words*

102. In conclusion we wish to draw attention to the memorable speech

delivered by Mahatma Gandhi at the Calcutta Special Congress in September 1920 in his final reply to the criticisms levelled by Pandit Malaviya, Mr. C. R. Das, Mr. Jinnah and others.

"I have come to the final pivot *viz.* boycott of Councils. I must confess that I have not yet heard a single argument in favour of going to Councils. All the arguments that have up to now been advanced are: seeing that we have done something through these Councils during 35 years, seeing that the reformed Council is really in response to our agitations which I admit, we may be able, by going to the Councils, to paralyse the Government or the administrations as the case may be. In my humble opinion, as a student of English History, I have found, and it is a practical maxim adopted in English public life, that every institution thrives on obstruction.

"It is my firm opinion that the services the public men want to render can be rendered better outside the Councils rather than inside.

"What is the secret of the great power of the late Lokamanya in the country? Do you suppose that if he had gone to the Council he would have exercised that power over the millions of India?

"What do these Councils mean? The simple test I will venture to present to you and the leaders is the two wrongs that we are come to consider—the Khilafat and the Punjab. Do you believe that by going to Council and engaging in the debates there you can produce a direct impression upon the British Ministers and secure a revision of the Turkish terms and repentance on account of the Punjab affairs?

... There are many other points but I would reiterate two things. The public will not understand our fine distinctions. It will mean that non-cooperation must commence at the top, *viz.* in a body mis-called a representative body, namely, the Reformed Council, and if the best mind of the country refuses to associate with the Government even as the obstructionist, I promise that the Government's eye will be opened. The condition is that those who refrain will not go to sleep, but move from one end of the country to the other end, bring every grievance to the notice, not of the Government, but of the public. And if my programme is carried out, the Congress will be going from year to year and give public expression to those grievances, so that the volume of wrong ever increasing as it rolls, will inflame the great nation to harbour, to conserve all its anger and its heat and transmute it into an irresistible energy."

Allahabad,  
17th October 1922

M. A. Ansari.  
C. Rajagopalachariar  
S. Kasturi Ranga Iyengar



## CHAPTER VI

## Part II

*Views of Hakim Ajmal Khan, Pandit Motilal Nehru and  
Syt. V. J. Patel*

*Regrettable Absence of Unanimity*

103. We join our colleagues Syts. Kasturi Ranga Iyengar, M.A. Ansari and Rajagopalachariar in expressing our deep regret that it has not been possible to reach unanimity among the members on the important subject of running elections and entry into the Legislative Councils. On account of the unavoidable absence of Syt. Rajagopalachariar, owing to ill-health from the earlier stages of the conference of members and that of Hakim Ajmal Khan and Dr. Ansari owing to the important Khilafat meetings at Delhi from the later stages, these latter have not been able to meet the former for a final exchange of opinions. But the question has been thoroughly discussed first between all the members other than Syt. Rajagopalachariar and then between Syt. Kasturi Ranga Iyengar and Syt. Rajagopalachariar as representing one view, and Syts. V. J. Patel and Motilal Nehru as representing the other view.

After a thorough discussion of the whole matter in all its bearings we regret we find ourselves unable to subscribe to the opinion of our learned colleagues and have to record our views separately.

*Preliminary Consideration of General Lines*

104. It is a sound and well understood rule to treat as confidential the discussions held by the members of committees of enquiry among themselves with a view to arrive at an agreement as to what their report is going to be. This is essential for a free discussion of the subject which the members are expected to approach with open minds, eager to convince and ready to be convinced. Much as we wished to adhere to this wholesome rule and avoid any reference to the various stages of the consultations among ourselves, we are constrained by the refusal of our dissenting colleagues to expunge the first paragraph from their note (para 103 *ante*) to say a word of explanation. It is impossible for us to understand the object of their insistence on the retention of that paragraph, but if it is meant to show that we are going behind our settled convictions we refuse to plead guilty to the charge. We did not expect that the rough lines settled at the preliminary meeting of the members at Patna for the first draft of the report would be dignified into "resolutions" of the Committee. It is only necessary to refer to the course which our deliberations subsequently took to show that at least two of our dissenting colleagues took the same view. The idea that our entry into the Councils, while many of our distinguished patriots and devoted workers were in *duress vile*, had an important bearing on the larger issue of national self-respect, did not occur to the Committee till the very last stage of its sitting at Patna, where one of the members for the first time

put a question to Babu Rajendra Prasad about it on the 15th August. The question and its answer have been quoted and relied upon by our dissenting colleagues (See page 61 *ante*). The first consultation to settle the broad lines of the report was held the next day and the same member laid great stress on the point informing his colleagues that he had given it much anxious thought but was not at all sure as to the correct attitude to be adopted. The point was duly noted among others and Dr. Ansari was requested to prepare a draft of the report. The members then dispersed.

### *The First Change*

105. On the 18th August the same member chanced to meet Dr. Ansari while travelling and communicated to him further considerations on the subject. It was eventually agreed that no definite recommendation should for the present be made by the Committee in regard to the whole question of the entry of non-cooperators into the Councils, provided the Chairman approved of that course. As the first draft was supposed merely to afford a basis for discussion, the other members were not informed of the new suggestion. Hakim Ajmal Khan having agreed, Dr. Ansari, to whose unremitting labours throughout the enquiry in spite of indifferent health the other members of this Committee are deeply indebted, dealt with the point in his draft in the following words:

*"Boycott of Councils.* As stated above, there are four sets of views regarding this question, placed before the Committee—one, the majority view, is against going into the Councils, the other three for entry into the Councils or standing for elections. The Committee feels unable to enter into the question so long as those leaders and workers who have gone to jail in the cause of the country are not released and the disabilities against them are not completely removed. It would be against national self-respect and disloyalty to the cause and to those noble and self-sacrificing leaders and workers to entertain this question in their absence."

### *Accepted by All but Absent Members*

106. Typed copies of this draft were given to all the members on the 31st August, except Sriyut Rajagopalachariar who was unable to attend the Calcutta meeting owing to ill health. The Committee met on the 1st September in Calcutta. Various points were discussed and it was agreed that Pandit Motilal Nehru should prepare a new draft. No objection was taken by Sriyut Kasturi Ranga Iyengar to the paragraph quoted above. This was the first modification by which the "resolution" against entry into Councils was altered into a positive refusal to go into the question at all in the absence of our friends in the gaol.

### *The Final Change*

107. After this the three members who support the policy of total obstruction had the opportunity to meet at Amritsar on the 17th and

18th September. Sriyut Patel was from the beginning in favour of the policy. Hakim Ajmal Khan and Pandit Motilal Nehru had, in the interval independently of each other after a most earnest consideration of the whole question, come to the conclusion that the only fitting answer to the Government for its uncontrolled repression and the only effective means to save the constructive work from coming to a standstill was to smash the Councils and thus it was that these three members agreed to face the situation created by the Government instead of shirking the question.

We cannot leave this point without expressing our gratitude to our dissenting colleagues for having given us the opportunity to explain the working of our minds from time to time. It will enable the members of the All India Committee to test the mental process which has irresistibly led us to the conclusions set out in this part of our report. We shall now go into the merits of the question which we are confident will be considered by the All India Committee quite independently of adventitious circumstances.

### (a) Preliminary

#### *Political Tactics never Immutable*

108. The very thought of Councils is repugnant to many a non-co-operator and rightly too. Nothing is more dignified, more consistent at this stage than civil disobedience. Had we found the country prepared to embark upon general mass civil disobedience or individual civil disobedience on a large scale we would not have entertained any proposal regarding modifications in the boycott of Councils in its present form. Whatever our feelings in the matter, we cannot run away from the grim realities of the situation, the experience of the last year and a half has brought to light. Facts must be faced. The tactics and policies of the Congress from time to time must necessarily be such as are best calculated to ensure success. They must be shaped to meet the special conditions of each period and must change with the change of conditions. Political tactics are never immutable.

#### *Principle Adopted by Mahatmaji*

No one realised the force of this more than Mahatma Gandhi did. He was ever watchful and never slow to adjust the national programme to varying circumstances. At times, he quietly changed the entire phase of the movement when in his judgement circumstances of the moment called for such a change. This he did at the risk of being called an autocrat. We quote below an extract from Mahatmaji's article in "Young India" of 2nd March 1922:

"I have carefully read Mr. Kelkar's article in the "Mahratta" criticising the Bardoli resolutions I acknowledge the gentle and considerate manner with which he has handled me. I wish I could persuade him and many who think like Mr. Kelkar that what he calls a somersault

our programme to the new situation, we would be doing violence to the elementary principles of political warfare. It is in the light of these observations and because we feel that the final battle by means of mass civil disobedience or individual civil disobedience on a large scale is not yet that we venture to examine the proposed changes on their merits. We must not be taken to mention these great changes in a cavilling spirit. On the contrary we look on them as sound tactics suited to the altered circumstances which faced Mahatmaji from time to time.

### *The Original Plan*

110. Just about the time of the last Council elections, Mahatma Gandhi laid before the country the possibility of getting Swarajya in one year. Those who had strenuously fought against the boycott of Councils and been defeated were soon reconciled to it firstly because of their sense of loyalty to the National Assembly, and secondly, because it was thought desirable and necessary in view of Mahatmaji's declaration of Swarajya within a year, to concentrate all the national forces on working out the non-cooperation programme. The Nationalists, therefore, immediately withdrew their candidatures for the Councils and whole-heartedly devoted themselves to the working out of the non-cooperation programme. With a year's programme the Triple Boycott was regarded as justifiable, and all leaders not only ceased criticising the boycott but vied with one another in making it a success. All differences were put aside for the time being and work was carried on in right earnest with a view to secure Swarajya and speedy redress of the Khilafat and Punjab wrongs. It was repeatedly declared that we were in a state of war and we spent the year with our knapsacks on our backs.

### *Mahatmaji's Expectations*

111. If the Boycott of Councils had been complete and Indians had refused to take their seats there, there can be little doubt that Government would have come to its senses. The alternative before the Government then would have been nothing but despotic rule pure and simple. That might have meant military dictatorship. But world opinion has advanced so far that Britain dare not contemplate such dictatorship with equanimity. It was such a boycott that Mahatmaji hoped to bring about. He relied upon the wholesale abstention of voters from voting and on the sense of self-respect of the Moderates. In one of his public speeches prior to the Calcutta Congress he is reported to have observed:

"I know there is strong opposition to the Boycott of Councils. The opposition when you begin to analyse it means not that the step is faulty or that it is not likely to succeed, but is due to the belief that the whole country will not respond to it and that the Moderates will steal into the Councils. I ask, citizens of Mangalore, to dispel that fear from your hearts. United, the votes of Mangalore can make it impossible for either a Moderate or an Extremist or any other form of leader to enter the Council as your representative."

Again writing on the Council Boycott in the "*Young India*" of 14th July 1920, Mahatmaji said:

"We are now face to face with the reality. Will a single Moderate leader care to enter any Council if more than half his electorate disapproved of his offering himself as a candidate at all? I hold that it would be unconstitutional for him to do so because he will not represent his constituency. Boycott contemplated by me pre-supposes a most active discipline and watchful propaganda and it is based on the assumption that the electors themselves will prefer complete to an incomplete boycott in the form of obstruction."

We have failed to bring about such complete boycott. The Nationalists being out of the way, it was a walk-over for the Moderates and they took full advantage of the opportunity to fill the Councils. Mahatmaji did not yet give up hope. He thought no self-respecting member could retain his seat if the great bulk of his constituency did not want him to represent them. He therefore got the Nagpur Congress to adopt a resolution expressing the hope that:

"Those who had allowed themselves to be elected in spite of the deliberate abstention from the polls of an overwhelming majority of their constituents will see their way to resign their seats in the Council."

All over the country meetings, conferences and at some places special voters' conferences were held calling upon the Councillors to resign. All in vain. But true to his greatness and goodness, Mahatmaji did not despair of the Moderates. In the crisis of November-December when thousands of our workers were being sent to jail, including some of the top-most leaders, hopes were entertained that the Moderates would then rise to the occasion. It was not realised that most of them had directly or indirectly given their support to the repressive policy of the Government. Again when Mahatmaji himself was arrested and convicted the Councillors remained unmoved and indications are not wanting to show that some of the leading lights of the moderate party had a hand in his prosecution. Then very recently came the plain talk of Mr. Lloyd George revealing the hollowness of the pronouncement of 20th August 1917 and assuring the Civil Service that reforms or no reforms they would remain the true arbiters of India's destiny for all time to come. There was a storm in a tea-pot in the Moderate camp but it subsided after a feeble resolution in the Council protesting against that speech.

### *The Lesson of Experience*

112. It will thus be seen that the position in which we now find ourselves is materially different to that we occupied at the commencement of the campaign and during its earlier stages. Times have now changed. Circumstances have altered. The period of the struggle is indefinitely prolonged. The boycott of Courts, Schools and Colleges has been relaxed by Mahatmaji at Bardoli. The question of Councils was not then a live issue. We have since passed through further vicissitudes and are now in a

position to take stock of the situation. We must therefore adjust our programme accordingly. We are bound to recognise that the Legislature have it in their power to render pleasant or unpleasant, easy or burdensome, the position of a non-cooperator. The Council may not be an assembly, we readily grant, which can be used by itself for the overthrow of the existing system but as long as the system remains, it would be unwise not to recognise the possibilities for evil if not for good of a "representative house." Assuming that the Council cannot do any good, it cannot be denied that it can and is doing immense harm. Apart from the support, direct or indirect, the Moderates have given to the repressive policy of the Government and the imposition of fresh taxation, their very entry in the Councils for cooperation with government is harmful. It is obvious that if they had stood by the country during the November-December crisis the struggle would have assumed a different aspect. We know that they are not the representatives of the people, but we also know that they pose and are represented to the outside world by Government as such. It is abundantly clear that the Councils have in the name of law and order strengthened the hands of the Government in repressing the non-cooperation movement.

### *Stages of Non-cooperation*

113. It will be evident from what we have stated above that according to our reading of the situation we have now passed through the first and entered upon the second stage of non-cooperation. The first ended with the Bardoli decisions and the arrest and imprisonment of Mahatma Gandhi and the second commenced with the triumph of non-violence during the succeeding months. In the previous Chapters we have fully dealt with the great achievements of the movement and may be allowed to add here that we yield to none in our unstinted admiration of the great originator of the movement or of the high ideals he set before the nation. We cannot, however, shut our eyes to what we see around us. That our success has been remarkable our enemies are forced to admit but that we have also had failures our best friends cannot deny. We have already shown that in this very matter of the Councils we can claim success only to the extent that a very large proportion of the voters abstained from the polls, but the keeping of the Council Chambers empty which was the real object in view was not only not achieved but was virtually defeated by the entry of the very persons who ought not to have been there. We did indeed non-cooperate but at the same time made the cooperation of others easy. We rested on our oars after leading half through the course and allowed those behind to overtake and pass us. Shall we repeat the same experiment? We submit it will be suicidal to do so.

### *(b) The Proposals*

#### *Declaration by the Congress and Khilafat*

114. Before we proceed further it is necessary to state what our proposals are. It is not correct to say that they amount to a removal of the

boycott of Councils as our esteemed colleagues have described them. On the contrary we maintain as we have already made clear that they constitute the best and the most effective method of boycotting the Councils. Our proposals are:

That the Congress and the Khilafat at their Gaya sessions should declare that in view of the fact that the working of the Legislative Councils during their first term has, besides proving a great obstacle to the redress of the Khilafat and Punjab wrongs and the speedy attainment of Swarajya, caused great misery and hardship to the people, it is desirable that the following steps should be taken in strict accordance with the principle of non-violent non-cooperation to avoid the recurrence of the evil:

1. Non-cooperators should contest the elections on the issue of the redress of Punjab and Khilafat wrongs and immediate Swarajya and make every endeavour to be returned in a majority.

2. If the non-cooperators are returned in a majority large enough to prevent a quorum they should after taking their seats leave the Council Chamber in a body and take no part in the proceedings for the rest of the term. They should attend the Council occasionally only for the purpose of preventing vacancies.

3. If non-cooperators are returned in a majority but not large enough to prevent a quorum they should oppose every measure of the Government including the budget and only move resolutions for the redress of the aforesaid wrongs and the immediate attainment of Swarajya.

4. If the non-cooperators are returned in a minority they should act as pointed out in No. 2 and thus materially reduce the strength of the Council.

### *Final Mandate*

As the new Councils will not assemble till January 1924 we further propose that the Congress session of 1923 be held during the first instead of the last week of December and the matter be again brought up for the issue of a final mandate by the Congress in view of the results of the election.

It will be seen that the above proposals constitute two distinct parts, the first relating to election and the second to the policy and procedure to be adopted after actually entering into the Councils. We shall take each of these parts separately and show that it does not militate against the principles of non-cooperation and is in every way calculated to promote the objects of the movement.

### (c) The Elections

#### *No Objection in Going to Voters*

115. As we have already shown the Councils cannot possibly be kept empty without keeping out the cooperators and these cannot be kept out unless they are defeated at the elections by the non-cooperators. Assuming without admitting that there are difficulties based on the princi-

ple and practice of non-cooperation in the way of actually entering into the Councils, we cannot conceive of any in merely contesting the elections and effectually preventing the cooperators from going in. Some witnesses have gone the length of saying that the mere act of going to the electors to seek their suffrage amounts to cooperation with the Government. Prominent among these is Sriyut Vallabhbhai Patel of Gujarat. He has given no reasons for this opinion apart from the objections he has to the Councils themselves, which we shall consider presently. We confess we see no act of cooperation with the Government in going to our own countrymen to obtain their mandate to put an end to an institution they do not want. If there is any we fail to differentiate it from that involved in going to the Municipal voter for a purpose which is admittedly inseparable from cooperation with the Government. Sriyut Patel is a strong advocate for capturing the District and Local Boards and Municipalities. Going to the voters and asking them to express their disapproval of the Councils by keeping silent and abstaining from the polls is admittedly an act of merit. How it ceases to be so if they are asked to speak out their minds and authorise their representative to say that they do not want the Councils is not at all clear to us. We do not think it necessary to labour the point further and will now deal with the practical side of the question.

### *Consequences of Abstention*

116. It is necessary in the interest of working the constructive programme itself that non-cooperators should contest Council elections. We have to bear in mind that we would be out again for 3 years. It is not difficult to realise the consequences of allowing a free field to the cooperators and the Government for their operations for another 3 years and the effect of their operations on the Congress and the whole national movement. Measures affecting the daily life of the people are being enacted year after year, fresh taxation and huge liabilities are being imposed and will continue to be imposed with the help and in the name of the so-called representatives of the people and *nolens volens* the people will have to submit to them. Under these circumstances it is a question for consideration how far the hold of the Congress over the masses can remain unaffected.

On the occasion of the last Council elections, an overwhelming majority of voters abstained from voting and we rightly claimed that the abstention was the outcome of the Congress resolution in favour of the boycott of Councils and the propaganda in that behalf. The Government on the other hand contended that the abstention on such a large scale was mainly due to ignorance and apathy on the part of the voters and to the fact that it was for the first time that elections of that character were introduced in the country. Suppose the Congress persists in the boycott of Councils in its present form and it is found that a greater percentage of voters record their votes on this occasion our claim would be discredited. We are inclined to believe that this policy of abstention has lost its charm and it is not at all unlikely that a greater percentage of voters will



poll at the ensuing elections. In that event the success gained at the last elections will be a thing of the past and the whole movement might be adversely affected.

### *Propaganda*

117. There is another aspect of the matter which deserves careful attention. The times of active electoral campaign are peculiarly propitious for the discussion of social, economic, and political theories and hence they offer an excellent opportunity for the propaganda of the Congress among the broad masses of the people. That opportunity will be largely enhanced if non-cooperation is made one of the direct issues of the campaign. And not only are political campaigns important as mediums of effective propaganda, they are also useful as periodical reviews of the Congress forces. The number of votes which the non-cooperators poll at a general election is a sure gauge of the progress made by the movement among the electorate, and nothing stimulates growth so much as the proof of growth. It is evident that candidates for election to the Councils will have greater facilities for Congress propaganda by their manifestoes and speeches.

### *Alteration of Rules Likely*

118. There are indications that government will use all means both fair and unfair to prevent the non-cooperators from getting into the Councils. Neither the Government nor the Moderates want us there. They will naturally join hands and try to make it difficult if not impossible for us to have a majority and any further delay would make our task more difficult. It is also likely, or shall we say more than likely, that once we decide to run elections, some device by alterations in the regulations or otherwise might be invented to keep us out, or what appears more probable, they might put off the evil day by extending the life of the present Councils. If they thus deliberately keep us out even the pretence of the Councils being representative institutions will disappear and the stupendous fraud will be thoroughly exposed.

We are told that the final election rolls shall be ready by the end of this year. It is necessary to see that manipulations and manoeuvres to keep the non-cooperators and their sympathisers out of the rolls do not succeed. The question of running the elections has therefore got to be decided at once. Early next year a regular campaign will begin and if we decide to contest the elections we should not be late in the field.

### *(d) The Policy*

#### *Broad Outline of Policy*

119. We have so far dealt with the question of running the elections apart from the issue on which they are to be contested. It is obvious that no election campaign can be effectively carried on without a clear definition of policy and a definite programme being laid before the country. The circumstances under which we are called upon to make our recom-

mentations are however peculiar and it is not possible to settle the lines of action with any approach to finality at the present stage. Much depends on the attitude of the Government towards the Congress candidates and the movement generally. The result of the elections will in no small measure affect the course of future action. The circumstances in which we are now placed may alter considerably for better or worse during the next 15 months. Our action whether in or out of the Councils will have to be shaped according to developments. While however the actual programme cannot at the present moment be finally laid down, it is essential that the broad outlines of policy should be sufficiently defined to put the attitude of the Congress towards the Councils clearly before the various constituencies so that both the voters and the candidates who may be advised to contest the elections may know what is expected of them. This outline of policy can only be determined with reference to existing circumstances with due regard to such developments as it is possible to anticipate. For these reasons it is too early yet to lay down a detailed programme. All that need be said at present is that if conditions do not alter in the meantime we shall enter the Councils to end them as they cannot be mended as we would wish them to be. We shall so conduct ourselves that either the administration must be carried on by veto and extraordinary power or the Government must concede our demands. In other words we shall non-cooperate. Hitherto we tried the negative form of non-cooperation in regard to the Councils and it failed to achieve the desired result in its entirety. We would now try the active form of non-cooperation, that is to say, enter the Councils for actively obstructing and paralysing the Government.

### *Programme Only Provisional*

120. The proposals set out in Section (b) of this Part will show the broad variations of policy which the circumstances may from time to time require. The next year will be one of strenuous effort and watchful vigilance which will have the double merit of infusing enthusiasm in our workers and helping forward the constructive programme throughout the country. If we are not allowed to fight the elections on one of the pretexts pointed out above we shall still have gained the twofold advantage of exposing the "representative" character of the Councils and supplying the necessary impetus for individual civil disobedience which the country lacks at present. All that the Gaya Congress is called upon to sanction is the running of elections on the lines indicated above. The rest of the programme is merely provisional subject to the confirmation of the Congress session of December 1923.

### *Constructive Programme to be Worked Vigorously*

121. At the same time the educative work of the Congress must be continued with renewed vigour. The constructive programme should not be neglected. If the Government chooses to disregard the wishes of the people and time after time passes measures or imposes taxes by extraordinary power, the work inside and the work outside the Councils

will create a situation most favourable to the starting of the nation-wide movement of non-cooperation including civil disobedience and non-payment of taxes and will evoke an adequate and spontaneous response in the people. Conservation of energy and the keeping up of enthusiasm are the essential requisites which we fear cannot be cultivated by helplessly looking on while our noblest countrymen are being humiliated, persecuted and treated as common felons. It is the measure of the people's strength and determination to oppose injustice and oppression which determines the attitude of the Government and not a meek submission to all its vagaries.

### (e) Entry into the Councils

#### *Written Answers Modified*

122 Under this head we propose to consider the evidence of the witnesses and the reasons they give for or against the entry of non-cooperators into the Councils. There is apparently an overwhelming majority numbering 302 who according to their written answers do not favour entry into the Councils as against 163 who advocate such entry in some form or other. The latter having made definite proposals have been classified under suitable heads. Many of the former have in the course of their oral examination considerably modified their written answers. It being found impossible to classify such modifications under definite heads we have simply given the number of these witnesses in Appendix VII with the remark that they support the existing boycott "according to their written answers." This course was adopted with the approval of Sriyut Kasturi Ranga Iyengar and Sriyut Rajagopalachariar but we find that the words "according to their written answers" are omitted from the copy they have given in their dissenting note. The omission could not be brought to their notice as the note was handed by them to one of us (Pandit Motilal Nehru) as they were leaving Allahabad. It is obviously an oversight.

Having regard to the great labour involved in the classification, as it appears in the Appendix, we do not claim absolute accuracy for it and have in fact found some errors after the tables were in print. We can only express the hope that such errors are not numerous.

#### *Striking Instances*

123. A few examples of how the written answers of the great majority of the 302 witnesses were modified in the oral examination are given below. Babu Rajendra Prasad of Patna, the spokesman of the official witnesses of Bihar and a stout champion of the boycott in its present form, gives away the whole principle of non-cooperation in his oral evidence, and might easily be classed with the 36 witnesses who are for entry into the Councils for utilizing them as they are, if he could only be satisfied that the constructive programme could possibly be helped thereby. It is evident that the greater part, if not the whole of that pro-

gramme, falls under the transferred subjects and can undoubtedly be helped to a very considerable extent if the Minister in charge took some interest in it. That being so the only objection of Babu Rajendra Prasad to an unconditional entry into the Councils even as they are at present constituted is not well founded. The following is an extract from his oral statement:

*Babu Rajendra Prasad, General Secretary,  
Bihar Provincial C. C*

*Mr. V. J. Patel. Q.* Are you in favour of capturing the municipalities and local boards?

*Babu Rajendra Prasad. A* I am in favour of it.

*Q.* You take it from me that you have to cooperate with the Government?

*A.* Yes.

*Q.* You don't object to that cooperation?

*A.* The non-cooperation that we have does not imply non-cooperation in every act, and, in that matter, I would leave it there.

*Q.* But would it help the programme?

*A.* It may, but I am not concerned with the powers of the municipality.

*Q.* If your constructive programme is helped even though you have to cooperate with the Government, you would not mind it?

*A.* No.

*Q.* You would certainly mind non-cooperators working the constructive programme through the Councils, even if it is possible to help the programme by going into the Councils?

*A.* I think it is impossible.

*Q.* I say, whether you would advise the non-cooperators, if it is possible?

*A.* If it is possible to further the programme through the Councils, then, I would advise just as in the case of local bodies.

*Q.* Would it not be a surrender on the part of the Congress?

*A.* It will not be a surrender, because there is that assumption. At present we are working on the assumption and the Congress is working on that assumption that it is impossible to work the constructive programme in any way in the Councils, and, therefore, if it is now admitted or assumed that it is possible to work the constructive programme through the Councils, there is no objection of our going to the Councils, and there is no surrender.

*Q.* But is it not a question of humiliation and surrender?

*A.* It is not a question of humiliation and surrender, it is a question of furthering our cause.

Mr. G. Chowdhury the official spokesman of Utkal goes even further and would recommend an alteration of the non-cooperation programme to include cooperation in the Councils if that would help the constructive

programme. His sole reason for thinking that this cannot be expected is that the existing Councils have done nothing in that direction. Here is an extract from his oral evidence.

*Mr. G. Chowdhury, Vice-President, Utkal Provincial Congress Committee.*

*Mr. V. J. Patel Q.* Are you in favour of capturing municipalities and local boards by non-cooperators?

*Mr. G. C. A.* Yes, I would like them to do so.

*Q.* But don't you think that in the municipalities we cooperate with the Government?

*A.* But much can be done to help the programme.

*Q.* So you are not against entering the municipalities and cooperating with the Government if you can do something and work your constructive programme to a very great extent?

*A.* Yes.

*Q.* Then tell me, if by such cooperation you can work the constructive programme through the Councils, you would not object going to the Councils?

*A.* If the Councils would help the constructive programme, then I have no objection.

*Q.* I believe you have not studied the Government of India Act and the Reform Act, that you are in a position to work the constructive programme through the Councils?

*A.* As my experience shows, nothing has been done through the Councils so far.

*Q.* I want to know whether it can be done?

*A.* When for the last two years nothing has been done, it is not possible to do anything in the Council.

*Q.* But you are quite clear that if it can be done, you would not object to such cooperation?

*A.* Yes, as regards working of the constructive programme.

*Q.* But don't you think it would be against the spirit of non-cooperation if you get some advantage by going into the Councils?

*A.* It may be inconsistent, but I think the programme will have to be changed.

*Q.* If the people are satisfied with the constructive programme, and they think that it can be worked through the Councils, you will ask the Congress to change the programme?

*A.* If the people are satisfied, the Congress will change it.

The next witness we shall refer to is Mr. S.V. Kowjalgi, President District Congress Committee, Bijapur, for sometime member of the All India Working Committee. He concludes his remarks in his written answers on the subject of Councils by saying: "After giving my best consideration to this subject I have come to the conclusion that permission to enter the Councils will be more a loss than a gain for the National cause."

The following extract from his evidence will speak for itself. Questioned by Hakim Ajmal Khan.

Q. If you can get workers to attend to the boycott of courts and of schools and other items of the non-cooperation programme, can you not also similarly get a few workers for the Councils?

A. I am aware we can. I have stated in my statement that individuals from the nationalist camp who are fit for nothing else might try that way.

Q. But you agree that it is only if we have a majority we can go?

A. Yes. But I am doubtful of a majority with regard to my province. I have on principles no objection to the other provinces going into the Councils. Nationalists are so strong-minded now that they may be able to do some good by going into the Councils.

Q. You don't think the principle of non-cooperation will be affected by our going into the Councils?

A. I think it will all depend upon the attitude of the persons who go. If they go and only obstruct there, then it is not against the principle of N.C.O., and if they go with a determination never to be tempted with any advantages to be gained from the bureaucratic side.

Q. And then I take it that you are not against the Nationalists going into the Councils if they go there for the purpose of

1. Obstruction pure and simple, and 2. Working the constructive programme of the Congress through the Councils?

A. I am not against.

The following is an extract from the evidence of Pandit Harkaran Nath Misra, General Secretary, U.P. Provincial Congress Committee, Allahabad, examined by Panditji.

Q. On principle you are against going into the Councils, and you are also against going into the Government schools. From the practical point of view, principle apart, do you think that the only conditions upon which the non-cooperators may enter the Councils are most difficult, if not impossible to be performed?

A. Yes, this is it.

Q. Supposing there is some assurance that these conditions will be fulfilled, and in some provinces these conditions can be satisfied, have you any other objection to go to the Councils from the practical point of view?

A. No.

#### *How Evidence Dealt With*

124. It is easy to multiply instances of this nature but we feel we shall not be justified in dwelling on the point at greater length as it is evident that a question like this cannot be decided by reference only to the number of witnesses. It involves a principle and gives rise to various considerations in determining the practical utility of adopting it in practice. It is necessary to examine the grounds upon which each opinion is based

and see if they can justify the inference drawn. It is obviously impossible to deal with the huge mass of evidence witness by witness. We shall therefore take each ground of objection and comment on it briefly.

### *The Fatwa*

125. The first raises the all important question of the *fatwa* of the Jamait-ul-Ulema which is supposed to stand in the way of Mohammedans in the matter of entry into the Councils. It goes without saying that any proposal which cannot carry the entire approval of the Mohammedans must be ruled out at once without reference to the merits. It is of course for the Jamait-ul-Ulema to say how far the *Fatwa* will apply, if at all, to a line of action such as the one we have suggested. We find that it does not apply at all to the running of elections and as regards entry into the Councils it refers to the normal work as it is at present carried on and prohibits the cooperation it involves in emphatic terms. On the question of the oath of allegiance also it proceeds on the assumption that the allegiance thereby imposed is to the Government which is not the case. We give a translation of the material portion of the *Fatwa* in Appendix XII and although the authoritative decision of the question must rest with the Ulema, we venture to say that a close examination of the language used justifies a further reference to that learned body of divines to reconsider their verdict with special reference to the object with which elections are to be contested and the use which it is proposed to be made of the Councils. We are encouraged to recommend such reference on the strength

of the principle *انما الاعمال بالنيات* (all actions depend upon intent.)

### *Oath of Allegiance*

126. The next objection taken has reference to the oath of allegiance. It relates first to the taking of the oath itself and secondly to the propriety of entering into the Councils with the avowed object of paralysing them after giving an undertaking in the form, "I will faithfully discharge the duty upon which I am about to enter". As regards the first part all that is needed is to swear allegiance to the Sovereign of England. We find nothing in the Congress creed to prohibit it and as long as our objective of complete Swarajya can possibly be gained within the British Empire we see no harm in declaring on oath or solemn affirmation what is an incontrovertible fact. That under existing conditions we owe allegiance to the Sovereign of England cannot be doubted whether we say so or not. We should have thought that the non-cooperator who has laid his cards on the table would be the last to hesitate in admitting the truth. It is possible that the bureaucracy may in the near future drive us to join the school of thought which insists on independence but so long as that event does not happen and the Congress and Khalafat creeds remain as they are we can find no real difficulty in taking the oath of allegiance. There may of course be people who have conscientious scruples in this respect but we are dealing here with the general movement and its principles. The objection based on the *fatwa* has already been dealt with and we believe as we have suggested that it can be removed by a further reference to

the Ulmas.

### *The Duty Imposed*

127. As to the second part of the objection we have no doubt whatever that a non-cooperator who secures his election to the Council with a distinct mandate from his constituency to obstruct the proceedings at every step (as would be the case if our suggestion is adopted) can only "faithfully discharge the duty upon which he is about to enter" by acting in strict accordance with that mandate. The whole question turns upon what is the duty of a representative of the people who is elected to an assembly by the suffrage of his countrymen and has pledged himself to follow a particular line of policy. We are clearly of opinion that such a representative would not only be failing in his duty but be guilty of a gross breach of faith if he swerves by a hair's breadth from that policy. But it is said that the undertaking contained in the form of the oath is in conflict with the policy of obstruction as it involves an obligation to act under the provisions of the Act. We fail to see any such conflict. It is obvious that all obstruction to be effective must be offered in accordance with the rules governing the conduct of business and so long as those rules are observed we can discover no dereliction of the duty undertaken. Obstructive tactics in relation to particular measures are a common feature of all legislative assemblies in the world and have never been considered to be anything but the exercise of a legitimate right. If such tactics can properly be resorted to in relation to particular measures we cannot conceive of any reason why they should be regarded as reprehensible if applied to a large number of measures or to all the measures which are brought forward. Reliance is placed on the Preamble of the Act and it is said that the duty undertaken by the oath implies acquiescence in the policy of Parliament therein set out. If that be so the oath conflicts with the settled convictions of many if not all the Moderates who have entered the Council after taking it. We are not aware that there is any school of thought in India which fully endorses the famous declaration of August 20th, 1917 which is reproduced in the Preamble of the Act. In the Calcutta session of the Congress of that year when both Moderates and Extremists sailed under the same colours the limitations contained in the declaration of August 20th were unanimously condemned and by none so vehemently as the present Moderates. The forcible characterisation of these limitations by Babu Surendra Nath Banerji as a "rift in the lute" is fresh in the memory of Congressmen. But quite apart from the attitude of the Moderates we can only express our surprise at the calling in aid of the Preamble of the Act to explain the meaning of the oath of allegiance. It is easy to show that such a use of the Preamble is wholly unwarranted but for obvious reasons we refrain from going into the purely legal aspect of the question which cannot have any reference to moral considerations on which alone the objection to have any weight must be founded. We may however point out that the argument if carried to its logical end means that the moment a person takes the oath he is debarred for ever from taking exception to any of the provisions of the



Government of India Act which is absurd. We are therefore quite clear that there is no valid objection to the oath of allegiance. It is said by our dissenting colleagues that "no conscientious person can stand for election with the avowed object of wrecking the institution and take such an oath, and except by casuistry or mental reservation can feel justified in adopting such a course." No reasons are given for this dictum and we fail to see any justification for it. Strong words do not constitute an argument and we take no further notice of the remarks. We have given our reasons and leave the matter there.

It is unnecessary to go into the evidence on the point which is meagre but we give the following extract from the statement of Pandit Harkaran Nath Misra as a correct appreciation of the principle.

*Q* What about the oath of allegiance? Does it offer any obstacle in the way of non-cooperation? Will it be necessary for the Congress to change its creed and give the mandate to the non-cooperators to go into the Councils?

*A.* The party which wants complete independence without the British Empire, is very limited, and probably there are very few persons who do not like to go into Council, but there are many who want to get Swarajya within the Empire, and in that case oath of allegiance must not stand much in your way.

#### *Inconsistency with Non-cooperation*

128. The next objection raised is that entry into the Councils would be inconsistent with the non-cooperation resolution of the Congress. There is no doubt that such entry involves a material change in the programme of non-cooperation as passed at Calcutta and re-affirmed at Nagpur and Ahmedabad. In the words of Mahatma Gandhi "Rejection of courts, schools and councils is an integral part of the programme". All that this Committee or the All India Committee can do is to make such recommendations as they may be advised for the consideration of the Congress at its next regular session at Gaya. But when it is said that the suggestion we have made is inconsistent with the principle of non-cooperation we entirely differ. As we have already observed we can think of no higher form of non-cooperation than entering the Councils and non-cooperating with the Government at every step.

#### *Brief History of the Clause*

129. It will not be out of place here to give a brief history of the clause relating to boycott of Councils. As has already been pointed out (See paras 13 and 14) this item did not find a place in the programme of non-cooperation until after the Leaders' Conference had been held in Allahabad, on the 2nd June 1920 though the principle had been enunciated some time before. We find that in an article contributed to the columns of the "Nava Jivan" and reproduced in the "Young India" of 9th June, 1920, Mahatma Gandhi gives some very wholesome advice to the voters

as to the qualifications they should insist on before voting for a particular candidate, and points out the desirability of sending the best available men into the Councils. Shortly after Lala Lajpat Rai, in an article in his Urdu paper "The Bande Mataram", announced that he had "resolved after much deliberation that he should not stand for election." This article was reproduced in the "Young India" of June the 30th, 1920 and was followed by a statement to the press issued by Mahatma Gandhi in which he welcomed the suggestion of Lala Lajpat Rai and expressed the opinion that "it would be a fine education for them if the electors are not to elect anybody and unanimously to tell whosoever may seek their suffrage that he would not represent them if he sought election so long as the Punjab and Khilafat questions were not satisfactorily settled." This statement appeared in "Young India" of the 7th July, 1920, which also gave publicity to the report of the Non-cooperation Committee appointed at the Leaders' Conference held in Allahabad. It was in this report that the boycott of the reformed Councils found a place for the first time and was repeated after a great struggle in the Subjects Committee in the resolution passed by the special session of the Congress in Calcutta. It will thus be seen that the idea of the boycott of Councils in the form adopted at Calcutta was not considered an essential feature of non-cooperation at the beginning and was only gradually evolved as better calculated to educate the country in the rights of citizenship. The principle underlying the Calcutta resolution was that the Government consolidates its power through the Councils and what it prohibits is cooperation with the Government which will help such consolidation. It is evident that so far from contributing to strengthen the power of the Government, the non-cooperator, by carrying out the policy suggested by us, in the Councils, would be laying the axe at its very root. We see nothing in the Nagpur and Ahmedabad Congress resolutions which can be taken to conflict with this view.

### *Councils Thrive on Obstruction*

130. Reliance is next placed on a dictum of Mahatma Gandhi contained in the following passage: "I submit that in a sense we cooperate by joining even though the object is obstruction. Most institutions, and a British Legislative Council most of all, thrive upon obstruction. The disciplined obstruction of the Irish members made practically no impression upon the House of Commons. The Irish have not got the Home Rule they wanted." ("Young India" 14th July, 1920).

The aphorism that "Governments thrive on obstruction" has become a copy-book maxim with some non-cooperators who tear it out of the context and use it as a rule of general application. It is not realized that the argument has force only when applied to obstruction by a minority such as that of the Irish members or of the Labour party in the House of Commons or of the non-official members in the pre-Reform Councils in India. As soon as the party of obstruction commands a majority, its obstruction, instead of giving vitality to the Government, results in its total paralysis. In countries where there is responsible Government the Ministry when its

support in the House dwindles down into a minority has to go out and make room for a new Ministry representing the majority. In India the position is different. The Government is not responsible to the House or the country and is not called upon to resign and give place to a new Government. But it cannot carry on the administration as a Government under the reformed constitution. But the Government and the Councils established under the constitution must come to an end and the administration must take the form of despotic rule. The Reform Act must go and the choice will be between a new Act according to the wishes of the people and naked despotism. The argument that Governments thrive on obstruction has no application when the party of obstruction is in a majority. Mahatmaji's remarks must be read in the light of the illustration he gives of the Irish members in the House of Commons who did not exceed 100 in a House of 700. His observations would hold good only if the obstructionists fail to secure a majority.

### *High Moral Level*

131. Another objection which at first sight appears to be a serious one is that going into the Councils for the purpose of obstruction will not be in keeping with the high moral level of the movement. We do not know what non-cooperation is unless it be a series of abstractions carried to the extent of wholly paralysing the Government. Every boycott, be it of schools and colleges or of courts or of shops for the sale of foreign cloth or alcoholic drinks is nothing but obstruction pure and simple. If it is not descending from the high moral plane we occupy when we obstruct these institutions we cannot conceive of any reason why it should be so if obstruction is offered to the working of the Councils, which have helped to plunge the country in the suffering and misery we see around us. We maintain that going into the Councils with the avowed object of ending them if they would not mend, is not only not inconsistent with the principles of non-cooperation but is a manlier way of grappling with an evil than running away from it.

### *The Theory of Gift*

132. Again it is said that the Reforms being a gift from the Government, it is immoral to use them for the purpose of destroying it. We cannot for a moment concede that the Reforms, shadowy as they are, have come to us as a free gift from the Government.\* It may as well be argued that the usurper, in restoring an infinitesimal part of the thing usurped to the real owner under compulsion, is making a free gift to the latter. But some kind of moral turpitude is said to be involved in the act of using a weapon placed in our hands by the Government against the Government itself. It is like taking a sword from your adversary and using it to wrest the machine gun which he has trained upon you. The weapon wielded by the Government under the reforms is a far mightier one than that we can forge out of the scraps left to us. What we are aiming at is to render that mightier weapon useless against us by following the natural instinct of

self-preservation. Obstruction being of the very essence of Parliamentary Government it is easy to conceive that a situation may arise quite apart from non-cooperation when in order to achieve an object of immediate vital importance it may become necessary to set up wholesale opposition to less urgent measures of undoubted utility. We can only repeat that we find it impossible to draw the line where obstruction ceases to be a virtue and suddenly becomes a vice. The boycott of the Councils was not advised because it was a pious act in itself. In the article last quoted Mahatmaji says: "We boycott an institution because we do not like it or because we do not wish to cooperate with its conductors. In the matter of the Councils the latter is the deciding reason." So that the boycott is really based on solid practical grounds and has nothing to do with far-fetched religious or moral theories. We keep in view the real object and suggest an alteration in form on equally solid and practical grounds of which no honourable man need be ashamed and are met by the objection of immorality! No attempt is made to show wherein the immorality lies but it is assumed that if Mahatmaji advised a course of action it must have been on moral grounds and deviation from it is highly immoral, however much the circumstances might have changed since he gave the advice. It is forgotten that Mahatmaji besides being a great religious and social reformer is also a statesman of a very high order.

### *Temptations*

133. The next argument that the non-cooperators are not sufficiently disciplined to carry out the mandate of the Congress and are liable to temptations furnishes if true a sad commentary on the high moral level claimed for the followers of the movement. Happily we have no great misgivings on the subject. Mr. Aney has effectively disposed of it by the following trenchant statement.

*Mr. M. S. Aney, President Provincial Congress Committee,  
Berar, questioned by Mr. V. J. Patel.*

*Q.* I want to know if the non-cooperators go to the Legislative Councils are you not afraid of their being corrupted by these influences?

*A.* I think we can certainly find out a sufficient number of persons who can stand this temptation. If the nation cannot find sufficient men who can withstand this temptation, then we have been behind in the race of political agitation and should not talk of a bold action either inside or outside the Councils.

*Q.* Have you not known instances in the past of nationalists falling victims to temptation?

*A.* What I say is I have to judge of nationalists who are backed by the mandate of the Congress with their resignations in the hands of the Provincial Congress Committee. When there is that fear behind them, they will be pledged to carry out a certain Congress policy.

*Q.* And if they fail to do it, then they will have to resign. With that condition you would like to send the nationalists to the Legislative

Councils?

A. Yes.

### *Weakness of Human Nature*

134. Dr. Pattabhi Sitaramayya of Andhra takes a gloomier view. He thinks that the non-cooperator is not free from the weaknesses of human nature and is as much liable to succumb to corrupting influences as his fellowmen. The learned Dr. is a keen observer of human nature as his statement shows but in this instance we venture to say overlooked its brighter side. We are sure he will readily admit that non-cooperation can claim as many, if not more, men of robust moral stamina as any other nation—having regard to our numbers we are tempted to say, as many as half a dozen other nations put together. Are we ready for the immediate Swarajya we are fighting for if we are doubtful of finding a few hundred men in the country who can withstand temptation of all kinds? We decline to give room to any such pessimism. It will be readily admitted that there is a serious lack of discipline in the rank and file but it is impossible to shut ones eyes to hundreds of recent instances of sturdy independence and selfless devotion which would do honour to any country in the world.

### *Self-respect and Dignity*

135. We next come to the point which above all others has confirmed us in the opinion we hold but strangely enough is used by our colleagues against us. The fact that a large number of distinguished non-cooperators including the great leader of the movement are disqualified under the rules by the reason of the sentences passed on them is relied on in support of the argument that it will be inconsistent with our self-respect and dignity to enter into the Councils. Bahu Rajendra Prasad says that in these circumstances "it would be cowardice" to go into the Councils and he uses the word for want of a stronger term. The argument would be unanswerable if it were intended to cooperate with the Government in the Councils but having regard to the purpose for which the Councils are proposed to be utilised it not only loses its force but furnishes the strongest reason in support of our recommendation. It is precisely because the Government has dealt with us so badly that it becomes our clear duty to attack the stronghold it occupies with all the energy we can command and spare no pains to destroy it. The Government has not hesitated to adopt all possible means to put down the movement and in doing so has, as we have shown, greatly misused its powers. We are fully entitled to use all clean weapons available to us both for offence and defence provided we can do so without violating any of the cardinal principles of non-violent non-cooperation. We have so far been fighting for our just rights and the Government has replied by a resort to general repression and the arrest and imprisonment of thousands of our earnest workers and selfless patriots including the great originator of the movement. We have taken it all in the true spirit of non-violent non-cooperation. An opportunity now offers itself to vindicate our national self-respect by carrying the fight

in the same spirit into a new field of action and we feel that we would be wanting in our duty not only to our colleagues in jail, but to our country if we did not recommend the fullest use of that opportunity. We say that as long as our men are in jail, as long as there is no change of heart on the other side, as long as the *Khilafat* and the *Punjab* wrongs are unredressed and *Swarajya* remains a distant goal, so long there can be no question of cooperation with the Government in any shape or form, and the only policy admissible consistently with our national dignity is a policy of total obstruction wherever possible. This is our reply to the repression and terrorism which has caused such misery and suffering to thousands of our countrymen and laid desolate thousands of homes. What is the reply that our colleagues who dissent from us and those witnesses who would cling to the existing order of things have to give? Their reply is, we shall in this great war of right against might continue to send our best men to the sacrifice, allow our work to come to a stand still and keep looking on while untold atrocities are being committed day after day but shall not touch one of the cleanest and most effective weapons which lies ready at hand. Are they doing their duty by our suffering countrymen or we, who would lose no time to grasp this powerful weapon and use it to the best advantage? Is their proposal consistent with the dignity of our manhood or ours? We leave these questions to be answered by the All India Committee.

### *Government by Veto*

136. The next argument that it is impossible to offer successful obstruction to a Government armed with the power of veto ignores the elementary fact that there can be no greater paralysis of the system than Government by veto. We do not consider it necessary to go further into the point.

### *The Question of Majority*

137. The real question is whether or not it is possible and probable to secure a majority of non-cooperators at the ensuing elections. The evidence adduced before us strongly supports the belief that we shall be in a very substantial majority in all the Provinces if the Congress and the *Khilafat* declare in favour of entering into the Councils. Even witnesses with a strong bias against such entry and unable to view it as anything but a national disaster have no hesitation in assuring us of a large majority if the necessary mandate from the two national assemblies is forthcoming. When a witness like Pandit Santanam of Lahore who apprehends general demoralisation in the country if the boycott of the Councils in its present form is removed or altered has no doubt of a majority and is supported by Prof. Ruchi Ram so far as regards the Hindus and Sikhs and by Maulana Abdul Kadir on behalf of the Mussulmans, we may be quite sure of the Punjab. Here is the relevant extract from his evidence.

## PUNJAB

*Pandit K. Santanam, General Secy., Punjab Provincial  
Congress Committee to Mr. V.J. Patel*

*Q.* Supposing the Congress gives a mandate that we should capture the Legislative machinery and thereby obstruct the Government in all possible ways, do you think that your province will send a majority of non-cooperators into the Councils?

*A.* I am disposed to believe that, in that case, non-cooperators will be in a majority in the Councils. If all the men now in jail come out, you will have sufficient capable candidates for the posts.

*Q.* Then the people have got sufficient confidence in the Congress leaders that they would return a majority of them into the Councils.

*A.* I can say this on behalf of the Hindus and the Sikhs.

*Q.* (M. Abdul Qadir) what do you say about the Mohammedans?

*A.* (M. Abdul Qadir) I hope that the Mohammedans will return a majority of the Congressmen into the Councils. They will follow the lead of their leaders.

There is a weighty body of evidence from the other provinces in support of the same view. We give the following extracts which will speak for themselves.

## BIHAR

*Mr. Rajendra Prasad  
To Pandit Motilal Nehru*

*Q.* Having regard to the feeling in your province do you think that after the Congress has made it permissive, assuming the Congress makes it permissive to N.C.Os. to go into the Councils, will the propaganda among the electorates asking them to vote for Congressmen be successful, having regard to the temperament of the people?

*A.* It is difficult to answer that question.

*Q.* What I mean is this? Is the feeling against the Councils so strong that if the Congress merely makes it permissive to N.C.Os. to enter the Councils, can the electorates be educated to send a large number of non-cooperating candidates to the Councils? Do you expect a majority in that case of N.C.O. Councillors?

*A.* I think if N.C.Os. are allowed to go and if they carry on propaganda they might capture a majority of votes.

*Q.* Then the feeling depends on what the Congress says?

*A.* Yes very much.

*Q.* The common people will not think that now that Mahatma Gandhi is in jail we are going back on the Congress resolution as framed by him?

*A.* The prestige of the Congress now is so great that it may carry the

people with it to a considerable extent.

*Q.* What do you expect? It may or may not?

*A.* It may if the Congress removes the ban.

*Q.* The fact that we are going back on the Congress resolution as it was started by Mahatma Gandhi will have little effect?

*A.* I think so. It is possible to capture a good number of seats if it is thought desirable.

## UNITED PROVINCES

*Pandit Harkaran Nath Misra, General Secretary U.P. Provincial Congress Committee, Allahabad to Hakim Sahib*

*Q.* What is your opinion about the Councils?

*A.* We advocate the boycott of Councils.

*Q.* If you think that the Constructive Programme is not sufficient and if the Congress decided that you should go into the Councils and make it impossible for the cooperators to cooperate with the Government, and lay every sort of obstruction in their way, do you think you will go into the Councils with the Congress mandate?

*A.* It is very difficult to go into the Councils with the Congress mandate, because there is the ulemas' Fatwa and unless, that Fatwa is changed, there is no use going into the Councils.

*Q.* Suppose the Fatwa is changed, then, do you think, you will get a majority of non-cooperators in the Councils?

*A.* Yes.

*Mr. Shamlal Nehru, Secretary Town Congress Committee, Allahabad, to Mr. V. J. Patel*

*Q.* What harm are the Moderates doing by entering the Councils?

*A.* There are very few Moderates in this country, and they have no chance of doing any mischief to our cause except through the Councils and if we do not give them this chance there would have been no Moderate in the Council and could not have done any mischief at all.

*Q.* In this country as well as abroad?

*A.* Specially in England, so that he would not have had the chance of going abroad.

*Q.* Then, there are many things which I would ask you about the work that the non-cooperators can do by going into the Councils for instance, they can veto the Budget and taxation, they can thwart and can leave the Council at any time. They would not have voted the address of the Prince of Wales, if the N.C.Os. would have been in the Councils?

*A.* I am not so very keen about benefiting the country, but I am very keen to throw out the Moderates by entering the Council, and successfully obstructing the Council.

*Q.* Do you think that if the N.C.Os. get a mandate from the Congress



there will be majority of non-cooperators in the Council from the U.P?

A. They would get a two-thirds majority.

### ASSAM

*Sgt. Omeo Kumar Das, Secretary D. C. C. Tezpur, to Panditji*

Q. Are you in particular against going into the Councils, or because you think that there will not be a majority of the Congressmen, therefore we should not go into them?

A. We expect a majority.

Q. If the Congress passes a resolution that you may go into the Councils, do you expect a majority of Congressmen will be returned to the Councils from your district?

A. We do expect a majority.

Q. And if the Congress leaves it to the will of the people to do as they please.

A. Then I am afraid, there will be no majority.

Q. And why should you say that you should not remove the boycott of the Councils?

A. Because the present Councils have no power to execute the resolutions they pass.

### MAHARASHTRA

*Mr. N. C. Kelkar, Member of the A. I. C. C. and Working Committee, to Panditji*

Q. Do you expect a majority of non-cooperators to enter the Councils at the next election if the Congress allows N.C.Os. to enter the Councils?

A. A large number of N. C. Os. can get into the Councils?

Q. Do you expect your electorate will return a fairly large majority of N. C. Os. to the Councils?

A. I am quite sure.

Q. For the present if the Congress recedes from that position and says: We leave it to you to enter the Councils or not. As things stand at present, do you think the majority of the electorate will send any non-cooperators to the Councils?

A. I think so.

Q. Will there be a majority of N. C. Os. in the Councils?

A. I cannot give any assurance as to a majority, but the men who can be relied upon can enter.

### C. P. MARATHI

*Dr. B. S. Moonje, to the President*

Q. I suppose when you are thinking of going into Councils you think you will have a clear majority?

A. Yes, at least in my province I am confident of a nationalist majority.

## BERAR

*Mr. M. S. Aney, President, Provincial Congress Committee,  
Berar to Dr. Ansari*

Q. Do you think if the Congress were to give a mandate for going into the Councils you will get a majority?

A. So far as my province is concerned I have not the least doubt about it.

Q. Do you think that even if the Mussulmans decide not to go into the Councils you will have a majority.

A. Even then we can get a majority. In the electoral roll their number is not very preponderating.

## KARNATAK

*Mr. Angadi (Non-Brahmin.)*

Q. You said that your statements were only as regards your province. I will ask you to give your recommendation as regards the whole of India. Apart from the question of unity taking it all round, would you advise entry into the Councils for the whole of India?

A. Yes.

Q. And would you suggest that the Congress should give a mandate to the non-cooperators.

A. They should relax the rule.

Q. Do you expect to have a majority of non-cooperators in the Councils?

A. I think so. This would be obtained for the whole of India.

## ANDHRA

*Mr. V. Ramadas, Madras to Mr. C. Rajagopalachariar*

Q. If you cannot get the Nationalists in a majority into the Councils would you still prefer to go into the Councils.

A. If there is no chance of the Nationalists getting into the Councils in large numbers so as to form a majority, I would not prefer to go into the Councils.

Q. You are only in favour of going into the Councils if we get a good majority. Then, are we to ascertain this before hand or actually standing and getting the seats and refusing to enter if we do not form a majority.

A. We shall get a majority in the Councils.

Q. What do you say to Mr. Pattabhi's remark that the communal

interests that have been based on communities is such that if we now run candidates into the Councils we cannot get a majority?

A. I do not agree with this view. With regard to Hindus, we have no trouble at all. With regard to Brahmin and non-Brahmin question if the non-Brahmin feeling is strong against the Brahmins, then they should stand aloof. I think we can find sufficiently large number of candidates from non-Brahmins to go to the Councils.

## TAMIL NADU

*Mr. A. Rangaswami Iyengar to Pandit Motilal Nehru*

Q. You spoke about capturing the majority of seats in the Council. How is one to be sure of this majority? We can only act upon such data as we can get. I dare say we can give them. What is your experience of Madras? Do you think they will return a majority?

A. If the Congress advises entry into the Council, I expect the electorate to return a majority of Congressmen.

Q. If the Congress does not?

A. I don't expect a majority. The Congress must definitely say that Congressmen can enter the Council.

Q. Supposing you expect a majority and in the result you happen to be in a minority, will you still go into the Council?

A. No.

Q. You will keep the seats empty.

A. Yes.

*Mr. S. Satyamurti to Mr. V. J. Patel*

Q. Do you think that in lieu of the existing non-Brahmin councillors you can prepare the electorate for the election of non-Brahmins who will sympathise with the principles of the Congress.

A. The Congress movement has roused the consciousness of the people during the last 18 months. It is easier to get a majority for us in the legislative bodies than it was before. So many men have gone to jail. The country has understood what sort of people the Congressmen are as a class. The electors will give more support to Congress candidates than they would have done at the last election. Men's conscience has been improved because new ideals have penetrated them now. They have understood that the Congress stands for something sober and patriotic. It was really doubtful at the last election to have secured the majority. Chances are much better this time than they were last time.

*Mr. Abdul Qadir Siddiquee, President of Nimar Dist. Congress Committee, and Vice-President of Provincial Khilafat Committee, C. P. Hindustani, to Hakim Ajmal Khan*

Q. If Congress wants that we should go to the Council can you get

a majority in the Council of non-cooperators in this province?

A. Yes we can get non-cooperators in majority for the Council.

Q. What is the opinion of the Mussulmans of this province for going to the Council?

A. Only on account of the Fatwa they will hesitate to go to the Council.

*Mr. V. D. Salpekar, President D. C. C. Chhindwara,  
to Mr. V. J. Patel*

Q. Suppose you would get a majority in the Councils. If the Congress gives a mandate that non-cooperators should go into the Councils for the purpose not of cooperating, but for obstructing in the very home of the enemy, then would your province return a majority of the non-cooperators?

A. If there is sufficient propaganda as we had at the time of the boycott of Councils, then non-cooperators would get a majority in the local Legislative Council, in case there is the Congress mandate to this effect.

*Mr. G. C. Varma, Jubbulpore, to Dr. M. A. Ansari*

Q. If the Congress gives you a mandate that you should capture the Councils, do you think you will have a majority of N.C. Os. in the Councils?

A. Yes.

## GUJARAT

*Mr. Yagnik to Mr. V. J. Patel*

Q. Suppose the Congress gives the mandate and the Guirat Provincial Congress Committee not listening to the advice of its President advises its members to go to the Councils. I want to know whether from Gujarat constituencies you would get a substantial majority of N. C. Os. Has the electorate got that confidence in Congress organisations?

A. Within Gujarat proper given all the conditions you mention, I think it likely that we should have a majority but not such a majority of more than 75% as would be necessary for making obstruction effective.

## BENGAL

*Mr. J.M. Sen Gupta to Mr. V.J. Patel*

Q. Take the Council electorate in your province. If a referendum were taken among the Council electorate today, do you think there would be a majority for the boycott of Councils or a majority in favour of

entry into the Councils?

A. If you get the Congress to say that the Councils are desirable the majority will come round, but until the Congress says so I doubt whether you will get a majority amongst the voters even. It all depends upon the Congress resolution.

Q. If the Congress resolution is changed, i.e., the Congress permits entry into the Councils, then even without propaganda in favour of the Councils, you would get a majority of people in favour of entry into the Councils?

A. I think so.

Sriyut Satyendra Chandra Mitter, Secretary, Bengal Provincial Committee in giving his points of difference from the spokesman (Mr. J.M. Sen Gupta) stated:

"I was one of those who stood as a candidate and I felt that we should enter into the Council. But subsequently we found, as I see it now, that we would have been wrong to enter into the Council. It was right that we withdrew on the following grounds:

Firstly, we had very little chance to have the majority e. g., Mr. C.R. Das was a candidate and he had a rival—a big zemindar. Though he had great chance, yet he was not absolutely certain. Mr. Chakravarty had also very little chance. I cite the example to show you the proof that we were right not to enter the Council as we had very little chance to have the majority, now it is quite different. We have now chance to get the majority."

138 We have given the above extracts to show that there is a general belief in the country that a majority of non-cooperators can reasonably be expected to be returned to the Councils if the requisite sanction is given by the Congress and the Khilafat. There is some evidence to the contrary but it is of less weight and volume and the reasons on which it is based are far from convincing. Mr. Vallabhbhai Patel and Dr. Pattabhi Sitaramayya are the strongest witnesses on the other side.

#### *Majority can Reasonably be Expected*

The opinion of the latter has been quoted in part I of this chapter (see p. 57). Mr. Vallabhbhai Patel gives similar evidence. Both of these gentlemen would have us believe, even if Mahatma Gandhi were free and threw in the whole weight of his irresistible influence on the side of the Councils, he would make little impression on the public. They take extreme views which not only find no support in the rest of the evidence but are in direct conflict with the one great factor with those who count on a majority have to contend against viz., the implicit faith of the people in Mahatmaji's sayings without regard to their applicability to a particular case. This is now taken by friends and foes alike as too clearly established to admit of any doubt whatever and has in our opinion influenced these witnesses themselves to some extent at least in taking up the extreme position they have.

*Net Result of Evidence*

139. The net result of the evidence on the whole question of entry into the Councils given by this imposing array of 302 witnesses examined in the light of cold reason is that there is a good deal of honest misapprehension of the true bearings of the question in the country. Many of them have so accustomed themselves to think of the Councils as a contamination that they are unable to consider any proposal relating to them on the merits. Most of those who are prepared to discuss the question are either compelled to modify their original opinions beyond recognition or find themselves landed in absurdities. Some few have no doubt maintained their ground but it will almost invariably be found that they have done so on the basis of assumptions, the justification for which it is not always easy to discover. At the back of it all there is a vague undefined fear of some dire catastrophe befalling the nation the moment non-cooperators enter the Councils even though it be to end them. There is enough material in the evidence to indicate what is the true lead required by the country but the bare opinions of the witnesses apart from the reasons on which they are based do not carry us far.

140. We next take the witnesses who are in favour of entering the Councils.

*Witnesses in Favour of Entry into Councils*

The total number of these according to the general classification (the absolute accuracy of which, as has already been stated is not vouched for) is 163 and out of this only 15 are shown in favour of a policy of total obstruction. This does not mean that the remaining witnesses are against the policy. The great majority of them who have been questioned on the subject have in their oral evidence made it quite clear that they would stand by the mandate of the Congress, whatever it is. It may be safely said that among these 163 witnesses very few will be found to be definitely against the policy of obstruction in principle. The general sense seems to be in favour of concerted action on the lines laid down by the Congress, and the apparent "grading off" merely represents the extent to which each group is prepared to go if left to itself. There is therefore no danger whatever of the different groups pulling each its own way. They are all actuated by the one common desire to see that the Councils are not exploited by the Government to suppress the movement. While some will not be satisfied with anything short of a total prevention of the evil, others are content to minimise it as far as possible. This does not show that they will not welcome total prevention if that is possible. To illustrate the above remarks we give below extracts from the statements of Dr Moonje (C.P. Marathi), Mr. Aney, (Berar) and Mr. A. Rangaswami Iyengar (Tamil Nadu) who do not insist on total obstruction as a condition precedent.

*Dr. B.S. Moonje questioned by Mr. V.J. Patel*

Q. You said to Mr. Rajagopalachariar that you would cooperate

where cooperation was necessary and oppose where it was otherwise. If the Congress directs you to go there to paralyse the Government will you do it?

A. We shall carry out the mandate of the Congress.

*Mr. M.S. Aney, President Provincial Congress Committee,  
Berar, questioned by Dr. Ansari*

Q. What mandate would you like the Congress to give?

A. If the Nationalists are in a majority in the Councils and are capable of achieving what they want, then they should try to secure reforms on the subjects mentioned by the Congress; or otherwise they should wreck the Councils. They can take any attitude they choose.

*Mr. Rangaswami Iyengar questioned by Mr. V.J. Patel*

Q. There is another view put forward that we should go into the Councils and carry on responsive cooperation that is to say cooperate where Government is willing to give us something in the way of constructive programme, National Education, and the rest of it and obstruct the Government where we feel it is necessary to do so.

A. If we have a clear majority I don't think we need do that. I would go straight away to start obstruction.

Q. Then this is really the position which Mr. Das initiated at the time of the Calcutta Congress. I quite see that. You have not changed the views since the Calcutta Congress?

A. I have always been of that opinion. I have of course submitted to the decision of the Congress.

Q. When you go into the Council and when we are asked to say what our attitude is, are you to say that we are out there immediately if possible to wreck the Reform Act or not?

A. Certainly, you are there to wreck the Act.

We do not propose to give extracts from the evidence of the witnesses who favour entry into the Councils as we have referred in a comprehensive form to the various degrees of obstruction they advocate.

#### *Other Objections Disposed of*

141. We have also dealt with the arguments of our dissenting colleagues so far as they are covered by the evidence of witnesses. For the rest we find nothing but generalisations and laying down of moral precepts which with due deference we think are quite out of place. For instance we find a nice distinction drawn between wrecking the Councils from inside and bringing about the same result from outside. The latter is commendable and the former immoral. We have shown that the latter is impossible and the former is the only means of doing it. The 'moral plane' argument has already been sufficiently discussed. Then it is said that diarchy is self

exposed and there is no need of our going into the Councils to wreck the Reforms, reliance being placed no less on an authority than Sir Valentine Chirol. But surely we are not suggesting entry into the Councils for the academical purpose of proving the failure of diarchy or the success of some other 'archy'. If the wrecking of the Reforms which has so far been the main plank of the Congress platform is now unnecessary, why not withdraw the boycott altogether and leave things to take their own course. This would save much valuable time proposed to be spent in the futile attempt to induce voters to abstain from the polls and will enable the workers to give their undivided attention to the constructive programme with its inevitable consequence of workers being picked out one by one and safely lodged in gaol. As for the dictum of Sir Valentine Chirol, we cannot be too careful to guard against exploitation by English publicists at a time when a general election is imminent. Nothing is more likely to take us off the right course than a ready acceptance at their face value of statements made and opinions expressed to serve political ends in England.

### "Come into My Parlour"

142. Our esteemed colleagues have put in the forefront of their note an extract from a recent utterance of Sir George Lloyd. We confess we fail to see its bearing on the question at issue. It is the usual "come into my parlour" invitation to which we are fairly well used and does not even possess the merit of originality. More to the point would have been the opposite sentiment which you get by the simple process of reversing the name of the speaker and shifting the scene to Westminster. Here is what the British Prime Minister says on the subject:

"The Non-cooperative movement at the present time is in a state of collapse. What part it will take in the next election we cannot tell, what influence the non-cooperators and men of that kind will exert upon those elections, I cannot predict. A good deal will depend upon the kind of representatives chosen at the next election whether they will be men of moderate temper, such as those who constitute the present legislature, men who are honestly and earnestly doing their best to make this new constitutional experiment a success, or whether they will be there as men who are simply using all powers of the machine in order to attain some purpose which is detrimental to British rule and subversive of the whole system upon which India has been governed up to now. That is why I say that the most serious and most trying time which will constitute the real test of success of this effort is yet to come. I think it is right that we should say that, if there is a change of that kind in the character of the legislature and in the purpose of those who are chosen in design of responsible and chosen leaders of the Indian people that would constitute a serious situation and we should have to take it into account. One thing we must make clear, that Britain will in no circumstances relinquish her responsibility to India. . . . We will take whatever steps are necessary to discharge



or to enforce them."

This is exactly what we have ourselves foreshadowed, the only difference being that while the British Prime Minister has uttered vague and veiled threats, we have laid our cards on the table and disclosed every move we intend to make.

### *Inter-Communal Jealousies*

143. Our colleagues have made a passing reference to "inter-communal jealousies". We can quite understand differences arising on communal questions in the Councils where the ordinary business is transacted on normal lines, but when all that has to be done is either to wreck the Councils or to keep away from them according as the non-cooperators are in a majority or a minority we see little reason to apprehend an exhibition of communal or other jealousies.

### *No English Parallel*

144. It will be observed that in attempting to meet our proposals reasons are often given which are applicable only to cooperation within the Councils and nothing is better calculated to illustrate the force of this remark than the connection in which the long extract from Mahatmaji's Calcutta speech is quoted by our colleagues at the end of their note. He is there merely answering the argument which he has himself crystallized in the opening part of the quotation and his references to obstruction and paralysis of the Government as a student of English History can mean nothing more than the sort of obstruction that has been and could possibly be offered from time to time in English political institutions. We have already dealt with the maxim "institutions thrive on obstruction" and will here simply point out that the word "obstruction" is a misnomer when applied to majorities in English politics, which do not merely obstruct but carry everything before them. It is the weapon of minorities only and as Mahatmaji rightly says proved very ineffective. A situation like the one in which we are placed cannot possibly arise in a self-governing country. We may without any breach of confidence refer to the fact that had it not been for the practical impossibility of obtaining a majority in 1920 many of the prominent workers would not have supported the boycott in the form in which it appeared in the Calcutta resolution. We have little doubt that when Mahatmaji was referring to obstruction in his speech at Calcutta he had this fact present to his mind.

### *Stalemate Imminent*

145. As we read the situation the contest is fast drifting to something like a stalemate and a fresh opening is necessary to clear the way for the main attack. We must either go forward or backward. It is impossible in our opinion to stand where we are for any length of time. There can be no doubt that if India can make real and substantial progress towards non-violence, removal of untouchability, inter-communal unity, boycott of

foreign cloth and national education, she can easily wrest Swarajya without non-cooperation or civil disobedience. Realising, however, that this is not possible for a long time to come, the Ahmedabad Congress advised a resort to civil disobedience. Mass or individual civil disobedience on a sufficiently large scale to force the issue being out of the question for the present, we must have something else as nearly approaching civil disobedience as possible. While there is a general desire for that 'something' among those who are against entering into the Councils no definite and workable suggestion has been made by any of them.

### *Conclusion*

146. We are not concerned with the success or failure of diarchy or with the opinions of political parties in England to serve their own political ends. What we are deeply concerned with is the fact that England is keeping us down and saving her face before the civilised world under cover of those sham Councils and the mendacious propaganda about their representative character. This is felt by Indian Nationalists of all shades of opinion and the demand for counter foreign propaganda is increasing day by day. But it is futile to compete with powerful England with her enormous resources and world influence, with her expert diplomacy which has enabled her to thoroughly pervert and use one of our ablest countrymen to go round the world at our expense as a Government propagandist, speak on our behalf and assure the great liberty-loving nations of the West that Gandhi is a crack-brained idealist, that his arrest and imprisonment are a triumph of British justice and that we are a happy and contented people. Before you are able to clothe a millionth part of the vast population of India in hand-spun hand-woven Khaddar, before you can supply an infinitesimal fraction of the demand for national educational institutions, before any appreciable progress can be made in the removal of untouchability, before you can extricate yourself from the vicious circle, which has effectively frustrated your efforts to restore intercommunal unity we warn you that you will have completely gone under, unless you open your eyes to the pressing need of the hour. Theories and dogmas are all very well in their own way but they will not carry you far if you ride them to death. Knock these Councils on the head, and you will accomplish what millions spent in foreign propaganda cannot achieve. Wreck the Reforms and you will smash at one blow the huge super-structure of world-wide deception which has cost millions to build up.

In view of the dissent our learned colleagues, we have felt ourselves compelled to devote more space to this subject than we had intended. Our only apology lies in the fact that we feel strongly about it and are convinced that it will be a political blunder to throw away the opportunity which is about to offer itself. We have shown what can be accomplished if we are returned in a majority. If we are wrong in expecting a majority we lose little by a trial [of] strength at the polls but gain much by promoting the constructive work to an extent otherwise impossible at least in the provinces where repression reigns supreme. In case we are

or to enforce them."

This is exactly what we have ourselves foreshadowed, the only difference being that while the British Prime Minister has uttered vague and veiled threats, we have laid our cards on the table and disclosed every move we intend to make.

### *Inter-Communal Jealousies*

143. Our colleagues have made a passing reference to "inter-communal jealousies". We can quite understand differences arising on communal questions in the Councils where the ordinary business is transacted on normal lines, but when all that has to be done is either to wreck the Councils or to keep away from them according as the non-cooperators are in a majority or a minority we see little reason to apprehend an exhibition of communal or other jealousies.

### *No English Parallel*

144. It will be observed that in attempting to meet our proposals reasons are often given which are applicable only to cooperation within the Councils and nothing is better calculated to illustrate the force of this remark than the connection in which the long extract from Mahatmaji's Calcutta speech is quoted by our colleagues at the end of their note. He is there merely answering the argument which he has himself crystallized in the opening part of the quotation and his references to obstruction and paralysis of the Government as a student of English History can mean nothing more than the sort of obstruction that has been and could possibly be offered from time to time in English political institutions. We have already dealt with the maxim "institutions thrive on obstruction" and will here simply point out that the word "obstruction" is a misnomer when applied to majorities in English politics, which do not merely obstruct but carry everything before them. It is the weapon of minorities only and has as Mahatmaji rightly says proved very ineffective. A situation like the one in which we are placed cannot possibly arise in a self-governing country. We may without any breach of confidence refer to the fact that had it not been for the practical impossibility of obtaining a majority in 1920 many of the prominent workers would not have supported the boycott in the form in which it appeared in the Calcutta resolution. We have little doubt that when Mahatmaji was referring to obstruction in his speech at Calcutta he had this fact present to his mind.

### *Stalemate Imminent*

145. As we read the situation the contest is fast drifting to something like a stalemate and a fresh opening is necessary to clear the way for the main attack. We must either go forward or backward. It is impossible in our opinion to stand where we are for any length of time. There can be no doubt that if India can make real and substantial progress towards non-violence, removal of untouchability, inter-communal unity, boycott of

## CHAPTER VII

### OTHER PROPOSALS AND RECOMMENDATIONS

#### (a) Local Bodies

##### *Position to be Cleared*

147. The position of these institutions in relation to non-cooperation is peculiar. The Congress, whilst it calls upon the non-cooperators to boycott the Councils, makes no express provision regarding their attitude towards these institutions. The evidence adduced before us shows that the conditions prevailing in the country vary from province to province. The principles of non-cooperation have however not been strictly applied even where non-cooperators are in a majority. Both sets of witnesses whether for or against the entry of non-cooperators into the Councils mostly favour the capture of local bodies and do not mind the cooperation with the Government which it necessarily involves. In actual practice, we find that in the great majority of Municipalities and Local Boards, the non-cooperators are in a minority and that it is only in rare cases that they have captured them. While we find instances of partial non-cooperation here and there, full cooperation with the Government appears to be the general rule. Having regard to the fact that we have not yet embarked upon total non-cooperation with the Government in all matters and that our programme, being a progressive one is at present confined to definite items which do not include local bodies, we consider it unwise to extend it in this direction. What the situation demands is a clear pronouncement by the Congress on the subject, as considerable doubt prevails in the country as to whether or not it is open to non-cooperators to seek election to these bodies. It is clear that these institutions do not stand exactly on the same footing as Legislative Councils. They enter more deeply into the daily life of the people. We find that experiments to introduce non-cooperation into these institutions in various degrees are being tried in certain parts of the country. It is difficult to estimate the measure of success which will be obtained by these experiments. Whilst therefore we think that it will be unfair to the bodies concerned to check their activities towards non-cooperation, we do not feel that the time is ripe to call upon the country generally to follow the example. We therefore recommend that in order to clear the position it should be declared that it is desirable for non-cooperators to seek election to Municipalities and District or Local Boards with a view to facilitate the working of the constructive programme, but that no hard and fast rules be at present laid down to regulate or restrict the activities of non-cooperating members beyond advising them to act in harmony with local or provincial Congress organisations.

#### (b) Boycott of Government Educational Institutions

##### *Bardoli Resolution to be Adhered to*

148. We are of opinion that the boycott of Government Educational

debarred from entering the contest we lose<sup>1</sup> even less but demolish all pretence for the representative character of the Councils. If however our colleagues are wrong and the opportunity is allowed to slip by, we must be prepared to submit to existing conditions for another three years; and he will be a bold prophet who can say what will happen meanwhile.

We have had our say and leave the decision of this most important question of the hour in the hands of the All India Congress Committee.

146 (a)—The following further note was received from Hakim Ajmal Khan on the question of entry into Councils:

"The constructive programme, being the basis of all our actions, we should have recommended nothing else but the working of it. As I cannot, however, shut my eyes to the obvious fact that with the exception of a few provinces, we are not only not making any progress in this direction, but are actually going backwards, I, therefore, recommend entry into the Councils with the sole object of proving that the Reform Scheme is useless, and with a view only to make its working impossible. If the whole of our Congress organisation, from top to bottom, were to take up the constructive programme in right earnest and push it through with a firm determination, which I very much doubt it would, I believe we should not feel the necessity of having to call to our aid any other stimulant, such as entry into the Councils.

*Ajmal Khan"*

*Delhi 27th October, 1922*

it makes no difference whether it is based on religion or prudence, and so long as the policy is not definitely given up both schools of thought are bound to adhere to it with full faith and without the least attempt at evasion. We see no justification however to enforce the rule where the reason on which it has been based by the school of prudence does not exist and deprive non-cooperators of the legal and natural right of self-protection against lawlessness in all cases. But we would make it clear that in the course of carrying on Congress work or on occasions directly arising therefrom we are not at liberty to use force even in private defence of person or property. If physical force were permitted in self-defence against illegal action in respect of political work, there would be an end of non-cooperation. Outrages such as insults to religion or modesty of women or indecent assaults on boys and men are by their very nature excluded from the category of political cases, though advantage might have been taken of an occasion arising out of a political case. Against such outrages the right to use force in private defence is not taken away by non-cooperation. There may be difficulty in drawing the actual line of demarcation, but our immediate and most important need is to protect the movement from danger. By extending general permission to use force upto a clearly definable point even in matters arising out of Congress work, we would endanger the movement. We are advising not trained lawyers but laymen, and that too in respect of action under provocation. One of us (Mr. V. J. Patel) thinks that having regard to the humiliating and at times barbarous treatment meted out to non-cooperators while actually engaged in Congress work and the further fact that it is impossible to draw the line beyond which it is not permissible to go, the full right of private defence as given by law should be reserved to non-cooperators. The remaining members would rather have the individual suffer than risk any violation of the true principle or a general breach of the peace. The Committee has been deeply impressed with instances of cruel unprovoked and disgraceful barbarities committed upon unoffending and peaceful non-cooperators but the majority are not prepared to advise a resort to the right, undoubted as it is, without restrictions of the nature pointed out above.

We therefore recommend that individuals should be given full freedom to exercise the right within the limits defined by law except when actually engaged in carrying on Congress Work or on occasions directly arising therefrom subject always to the condition that it is not likely to lead to a general outburst of violence.

Our colleague Mr. V. J. Patel would omit the words "Except when actually engaged in carrying on Congress Work or on occasions directly arising therefrom."

#### (c) Organisation of Labour

##### *Nagpur Congress Resolution to be Carried Out*

131. The organisation of Labour with a view to raise the moral and material condition of our workmen and to give them political education

Institutions is sound in principle and must be maintained as an ideal to be always kept in view and followed but we recommended a strict adherence to the Bardoli resolution in regard to these by suspending for the present all active propaganda calling upon boys to come out of schools and colleges. As required by that resolution reliance should be placed upon the superiority of National schools for drawing scholars from Government Institution and not upon picketing or other aggressive propaganda.

The first care of every province should be to put the existing National schools on a sound financial basis and improve their efficiency. The opening of new institutions without adequate provision for their support should not be encouraged.

### (c) Boycott of Law Courts by Litigants and Lawyers

#### *Concentration on Panchayats and Removal of Disqualification of Lawyers*

149. This boycott is also sound in principle and must be maintained as an ideal but litigants cannot be expected to avoid the Law Courts without being provided with an effective substitute therefor. Effort should therefore be concentrated on the establishment of panchayats and the cultivation of a strong public opinion in their favour. It is also necessary that provinces which have gone beyond the Congress resolutions in imposing disabilities upon practising lawyers as such should withdraw those disabilities and put these lawyers on the same footing as others who have signed the Congress creed and possess the requisite qualification for holding office under Congress organizations. The right of electors to elect whom they please should not be restricted by rule.

The principle of no defence and no bail should be followed by non-cooperators accused of offences of a political nature but need not be extended to other cases Civil or Criminal in which parties should be left to their own discretion.

We therefore recommend that for the present workers should confine their activities to the establishment of panchayats and making them more efficient. We also recommend that all existing disqualifications of practising lawyers as such be removed.

### (d) Right of Private Defence

#### *Qualifying Conditions*

150. Apart from the risk of violence involved in the exercise of the right of private defence there is nothing in the Congress resolutions to prevent such exercise. It is well known that many Congressmen pledged to non-cooperation while believing in it as the only feasible course open to them have adopted non-violence as a policy, and not as a religious faith, with the sole purpose of gaining the triple object of the movement. This is true generally of Mohammedans and also of a considerable number of non-Muslims. The belief in the soundness of the principle being there,

it makes no difference whether it is based on religion or prudence, and so long as the policy is not definitely given up both schools of thought are bound to adhere to it with full faith and without the least attempt at evasion. We see no justification however to enforce the rule where the reason on which it has been based by the school of prudence does not exist and deprive non-cooperators of the legal and natural right of self-protection against lawlessness in all cases. But we would make it clear that in the course of carrying on Congress work or on occasions directly arising therefrom we are not at liberty to use force even in private defence of person or property. If physical force were permitted in self-defence against illegal action in respect of political work, there would be an end of non-cooperation. Outrages such as insults to religion or modesty of women or indecent assaults on boys and men are by their very nature excluded from the category of political cases, though advantage might have been taken of an occasion arising out of a political case. Against such outrages the right to use force in private defence is not taken away by non-cooperation. There may be difficulty in drawing the actual line of demarcation, but our immediate and most important need is to protect the movement from danger. By extending general permission to use force upto a clearly definable point even in matters arising out of Congress work, we would endanger the movement. We are advising not trained lawyers but laymen, and that too in respect of action under provocation. One of us (Mr. V.J. Patel) thinks that having regard to the humiliating and at times barbarous treatment meted out to non-cooperators while actually engaged in Congress work and the further fact that it is impossible to draw the line beyond which it is not permissible to go, the full right of private defence as given by law should be reserved to non-cooperators. The remaining members would rather have the individual suffer than risk any violation of the true principle or a general breach of the peace. The Committee has been deeply impressed with instances of cruel unprovoked and disgraceful barbarities committed upon unoffending and peaceful non-cooperators but the majority are not prepared to advise a resort to the right, undoubted as it is, without restrictions of the nature pointed out above.

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Our colleague Mr. V. J. Patel would omit the words "Except when actually engaged in carrying on Congress Work or on occasions directly arising therefrom."

#### (e) Organisation of Labour

##### *Nagpur Congress Resolution to be Carried Out*

151. The organisation of Labour with a view to raise the moral and material condition of our workmen and to give them political education



is undoubtedly a very pressing need. It cannot be denied that well-organised, Labour Unions are very powerful weapons when properly utilized. One of us (Mr. V.J. Patel) has very pronounced views on the subject and we fully agree with him in believing that there can be no real Swarajya unless it has been won with the conscious support of the labouring classes. Having regard, however, to the general situation, we are all agreed that for the present, it will be enough to carry out the resolution of the Nagpur Congress which has unfortunately not yet been acted upon. That resolution runs as follows:

### Resolution No. 8

That this Congress is of opinion that Indian Labour should be organized with a view to improve and promote their well-being and secure to them their just rights and also to prevent the exploitation (1) of Indian labour (2) of Indian resources by foreign agencies and that the All India Congress Committee should appoint a committee to take effective steps in that behalf.

### (f) Boycott of British Goods

#### *Objections Met and Committee Recommended*

152. Three objections have been taken to the Boycott of British Goods by Mahatmaji. They are: (1) "that it has been conceived as a punishment and can have no place in non-cooperation which is conceived in a spirit of self sacrifice and is a matter of sacred duty" (2) that even as a measure of punishment it is not swift, certain, and adequate enough to produce the effect intended and (3) that it is thoroughly impracticable. ("Young India" Augt. 25, 1920).

With all due deference we confess our inability to follow the first two objections. So far as regards the first it is impossible to say of any boycott that there is no element of punishment in it, if punishment is taken to mean the causing of loss or harm to the offending party. The boycott of foreign cloth has already inflicted heavy punishment on Lancashire as will be evident from the extracts we give in Appendix and we hope and trust that the measure of such punishment will continue to increase day by day. It has also punished other foreign manufacturers and suppliers who have done us no harm and whose only offence has been to enter into a fair competition with the British manufacturers in the market which has been left open to all outsiders. There is not much suffering or self-sacrifice involved in the use of hand-spun and hand-woven cloth and the real recommendation for it is the betterment of our economic condition and the removal of the greatest cause of our poverty which cannot be overrated. But the boycott of any other foreign article which it is possible to manufacture in the country has a similar recommendation, though not so strong, and if it is confined to British goods it has at least the merit of punishing only the guilty, leaving alone the innocent. It being then quite clear that the element of punishment cannot be separated from any boy-

cott we see no reason why we should refrain from openly declaring that it is meant as a punishment for the untold hardships and humiliations we are being subjected to by all manner of means fair and foul. It is our right to use articles of a particular manufacture only and in enforcing the boycott of British goods we are only fighting repression by the exercise of an undoubted right.

As regards the second objection it would hold good if the boycott of British goods were the only punishment applied. But it may be safely asserted that all our activities if successful are bound directly or indirectly to result in some kind of punishment. Every one of them taken by itself is not "swift, certain and adequate enough to produce the effect intended." It is the cumulative force of all which alone can carry us towards the goal. Viewed in that light there can be no doubt that the boycott of British goods will materially help the general programme.

We recognise the force of the third objection and are therefore not prepared to recommend a wholesale boycott of all British goods, but it has been represented to us that it is possible to select certain British goods which can be safely boycotted without much inconvenience. The number of witnesses who favour such boycott is 99 Against 77 who do not. In these circumstances while accepting the principle:

We recommend that the whole question be referred to a committee of experts for a full report to be submitted before the next Congress meets.

The question of boycott of foreign cloth stands by itself and should not be included in the reference.

*Note:* The above view was agreed upon by all the members on the 13th October except Sriyut Rajagopalachariar who was not present. The draft was shown to him on the 17th October when he expressed his dissent verbally and promised to send a note later on as he was leaving Allahabad. The note was received on the 23rd October and is given below.

## BOYCOTT OF BRITISH GOODS

### *Sriyut C. Rajagopalachariar's note of dissent*

#### *Freedom from Hatred Essential*

153. I have to express my respectful dissent from the opinions recorded by my colleagues about boycott of British goods.

It is needless to point out that so long as we seek to achieve our goal by the means planned by Mahatma Gandhi it would be the gravest mistake to introduce an addendum to his programme which according to his clear and repeatedly expressed opinion violates the basic principle of the programme. We are fighting a terrible and organised system of force with a new weapon conceived by Mahatmaji; and so long as we adhere to his scheme it is fair neither to him nor to ourselves to tamper with the integrity and purity of his scheme in a matter considered by him as of essential importance. It would be a fatal mistake to accept Dr. Lister's

assurance that we can *safely cut and chop the living human body*, if we do not strictly follow his advice and see that our instruments are clean and absolutely free from poisonous germs. We are undertaking the most serious steps conceivable on the basis of Mahatmaji's doctrine of freedom from hatred and it would be safe only so long as we keep that essential condition intact. But if we add any item to his programme which has to be carried out by intense and wide-spread propaganda necessarily based on a clear emphasis of the principle of retaliation, we create an atmosphere fatal to the preparation of the people for the further steps of non-violent disobedience or non-payment of taxes and for the suffering contemplated in our programme. It would be much better to give up Mahatmaji's programme altogether than to attempt to carry it out, disregarding his most insistent advice and creating an unsuitable and fatal atmosphere.

#### *No Change in Mahatmaji's Absence*

154. The proposal to boycott British goods as such is not a new one. Ever since Mahatmaji's guidance was accepted by us, this proposal was pressed on him again and again but was condemned and rejected by him. If his objections could be met properly, the leaders who now support the proposal had occasion and ample opportunity to convince him, or at least obtain his permission to add the item though it might not have his active support. But in view of its essential inconsistency with the basic principles of the main part of our programme, and the atmosphere of hatred which it would create and thereby render the rest of our programme impossible he never gave quarter to the proposal. It would be most unwise to push the proposal through now and obtain the endorsement of the National Congress to it, during the absence of our great leader and without hearing him, that is if we do not set aside his principles altogether and proceed on totally different lines.

The great movement initiated by Mahatma Gandhi has appealed forcibly to the genius of the nation and obtained loyal attachment from the millions of our people by reason of its spiritual appeal more than anything else. It has similarly extorted the admiration of the world including the best minds even among those ranged against us, for that same reason. We cannot afford to tamper with that spiritual cleanliness of the programme whatever seeming advantage we might imagine that we shall obtain thereby.

#### *More about Hatred*

155. The arguments advanced by my colleagues, I have to say with the greatest respect, are based on an ambiguous use of the term 'punishment'. We may cause great loss to restaurant proprietors by cooking food in our own houses but there would be no punishment or hatred in it, but to resolve to resort to all restaurants except one is quite a different thing and the feeling of hatred in that case should be obvious. By carrying out one's own duties to oneself or one's family or nation, one may cause injury, pain or loss to others, but it is neither punishment nor ill will; but

to prefer all others, to one particular nation, for no reason of gratitude towards the former for any services rendered, or on account of any other bond of affection or attachment, and without any fulfilment of one's own duties is sheer hatred. To say that to obtain our birthright of Swarajya, we so prefer others to the nation that holds us in bondage is to beg the question, viz: whether the means suggested is consistent with the principle of non-violence adopted by us for the attainment of Swarajya. To make our own goods, to abstain from luxuries, to avoid buying needless British goods and to prefer Indian made goods to British goods are always recommended. These are not what is meant by boycott of British goods. The latter means setting up an agitation that the nation should favour buying the goods of non-British nations in preference to British. This is what has been repeatedly condemned and ruled out by Mahatmaji as contrary to his principles.

### *Khaddar in Jeopardy*

156. My esteemed colleagues make it clear that in approving of a policy of boycott of British goods, they do not intend that the Shuddha Swadeshi character of the cloth programme should be relaxed. They mean that we should adhere to Khaddar and not buy Japanese or other non-British yarn or cloth. This may be the intention but I am certain that no intense propaganda can be carried on for boycott of British goods without affecting the mentality of people in respect of the cloth question also. We cannot in dealing with the millions of our countrymen make such reservations. Effects will be produced in a general way and not according to the rule and line we draw. The non-British foreign yarn and cloth merchants and the Indian Millowners using foreign yarn and the numerous middle-men depending on these capitalists, will take every advantage of the new policy. The present difficulties of the Khaddar campaign will be increased ten-fold.

What has so far achieved the most striking results is the concentrated Khaddar idea. This concentration we lose if we take up a programme covering all sorts of goods while yet there is a very great deal remaining to be done even in respect of Khaddar. Nothing can be achieved, even if it were right, by merely passing a resolution of boycott of all or such and such British goods. It must if seriously intended to be pressed, be followed up by intense propaganda; and this is sure to interfere with the concentration of effort over the cloth boycott which is admittedly the most important.

I concede that we may not succeed in weaning all people from hatred and ill-will towards a people that refuse freedom to us and are the cause of oppression and tyranny, and to delimit men's anger to the system and the tyranny and hold it back from the people that are responsible for the wrongs. But it is one thing to be unable to prevent a thing, quite a different thing to appeal to and encourage that very feeling.

A close and careful consideration of events will make it clear how Mahatmaji disarmed all open opposition to the Khaddar campaign by the elimination of boycott of British goods and by strict adherence to pure Swadeshi and yet at the same time succeeded in bringing about the most

effective economic boycott. The disarming of opposition and the securing of moral advantage in the midst of the severest conflict is the peculiar strength and beauty of Mahatmaji's plans and are a result of the strict adherence to the principle of avoidance of hatred. It would be a mistake to deviate from this policy.

#### *No Objection to Expert Committee if Principle not Conceded*

157. There is no objection to the collection and examination of facts by experts in any matter, but the acceptance of the principle by the All India Congress Committee would mislead the nation and injure the movement. Even making people await the report of a committee expecting some great results and new proposals is mischievous, in as much as to that extent it encourages slackening of effort in the one thing needed now, the completing of the cloth-boycott.

C. Rajagopalachariar  
19th October, 22.

#### Note by Pandit Motilal Nehru

#### *A Much Wider Question Raised*

158. It is unfortunate that the above note was received too late to admit of being considered by the other members before the issue of the report which has already been long delayed owing to unavoidable causes. It raises a much wider question than the boycott of British goods, and is calculated to engender serious misgivings in the minds of a very large number of staunch Congressmen and non-cooperators. There has never been any doubt that by accepting the programme of non-violent non-cooperation the Indian National Congress did not adopt all the views of Mahatma Gandhi expressed by him in his "Hind Swaraj" and from time to time in the *Young India* and elsewhere. Congressmen are only bound by the principles accepted and formulated by the Congress and not by every word or sentiment which might have found utterance from the lips of Mahatmaji. Many of his theories have yet to find favour not only with Congressmen generally but the country at large, and among them is the doctrine of Ahimsa and all that flows from it. The one common ground on which all non-cooperators meet is that violence in any shape or form is completely ruled out by existing conditions and is wholly outside the pale of practical politics. It was on this basis and this basis alone that the policy of non-violent non-cooperation was recommended by Mahatmaji and accepted by the Congress. He made this perfectly clear in his memorable speech at Calcutta in 1920. The following extract from that speech deserves careful attention:

"But I am not here to-day to plead for that medium. I am to plead for the acceptance by the country of the programme of non-violent, progressive non-cooperation. Now all the words that I have used here are absolutely necessary and the two adjectives 'progressive' and 'non-violent' are integral parts of a whole. With me non-violence is part of

my religion, a matter of creed. But with the great number of Mussulmans non-violence is a policy, with thousands if not millions of Hindus, it is equally a matter of policy. But whether it is a creed or a policy it is utterly impossible for you to finish the programme for the enfranchisement of the millions of India, without recognising the necessity and the value of non-violence. Violence may for a moment avail to secure a certain measure of success but it could not in the long run achieve any appreciable result. On the other hand all violence would prove destructive to the honour and self-respect of the nation. The Blue Books issued by the Government of India show that inasmuch as we have used violence, military expenditure has gone up not proportionately but in geometrical progression. The bonds of non-slavery have been forged all the stronger for our having offered violence. And the whole history of British rule in India is a demonstration of the fact that we have never been able to offer successful violence. Whilst therefore I say that rather than have the yoke of a Government that has so emasculated us I would welcome violence, I would urge with all the emphasis that I can command that India will never be able to regain her own by methods of violence.

"Lord Ronaldshay, who has done me the honour of reading my booklet on Home Rule, has warned my countrymen against engaging themselves in a struggle for a Swarajya such as is described in that booklet. Now, though I do not want to withdraw a single word of it, I would say to you on this occasion that I do not ask India to follow out to-day the methods prescribed in my booklet. If they could do that they would have Home Rule not in a year but in a day, and India by realising that ideal wants to acquire an ascendancy over the rest of the world. But it must remain a day dream more or less for the time being."

#### *Wanted True Belief in Non-violence*

159. Again in the "Young India" of August 25th, 1921, Mahatmaji said:

"Non-violence may succeed even if it is adopted as a matter of policy rather than creed, if it is combined with courage and real love for the country or the cause. Hatred of the wrong-doer does not necessarily mean love of the country. Our difficulty arises from the fact that many people make a pretence of non-violence without believing in it even as a policy. The Ali Brothers believe in it purely as a policy, but in my opinion there are no truer believers in non-violence as a policy than they. They do believe that violence can only hurt the cause, and that non-violence, if extensively practised can entirely succeed. A man who honestly practises truth as a policy certainly gains its material results, but not the man who feigns truth."

Truth, courage and love for the country or the cause are essential for the purity of the movement and cannot be too strongly insisted upon but even Mahatmaji with all his greatness and the inherent beauty of his faith

has felt that the time has not yet come to incorporate it in the Congress creed. It is perfectly true that "hatred of the wrong-doer does not necessarily mean love of the country" but it is equally true that it may co-exist with the love of the country. It must be remembered that non-cooperation was an answer to the Punjab and Khilafat wrongs. The horrors of the one and the bad faith of the other were not likely to engender love for the perpetrators of those wrongs. The distinction between want of love and hatred is too subtle for the average intelligence to grasp. It will take many years of preaching even for Mahatmaji to induce an Indian to love a Dyer and so long as Dyerism continues in this country it is futile to expect freedom from hatred. The evil is as old as the British rule in India which furnishes a long, uninterrupted story of insults and humiliations to which Indians of all classes have been subjected by Europeans, official and non-official. Scarcely a year has passed from the earliest days of the East India Company down to the present time without leaving behind a painful record of the offensive and irritating behaviour of the dominant to the subject race. But that is a very large subject. I refer to it here merely to show that you cannot remove the evil without removing the cause and that it is not in your power to remove the cause. The point is that Mahatmaji himself has disclaimed all intention of engrafting his "day dream" upon the political programme he has laid before the country and any attempt in that direction, if made by others is bound to end in disaster.

#### *Pure Expediency the Only Basis*

160. It may be conceded that freedom from hatred is the "basic principle" of the programme as conceived by Mahatmaji and accepted by a considerable number of his followers but the only basis upon which the Congress as a whole has adopted it is one of pure expediency. The general feeling on the subject is well reflected in the statement of Syt. S. Srinivasa Iyengar who has considered the subject from the point of view of the practical statesman:

*(Extract from the examination of Mr. S. Srinivasa Iyengar  
by the Chairman)*

*Q.* What idea have you about the boycott of British goods?

*A.* I am strongly in favour of it. Though Mr. C. Rajagopalachariar differs from me, I am strongly in favour of boycott of British goods for political purposes. It is as much an experiment as the boycott of schools and I am for trying the experiment, and there is a considerable section of opinion in favour of it, I have consulted the merchants in Calcutta.

*Q.* It will have a material effect upon trade relations, upon trade investments in England. That will certainly not conduce to creation of harmony. There will be greater bitterness of feeling between the two races?

*A.* They won't make such large imports as before. That compensates the greater amount of racial hatred and bitterness. For instance, I can-

not say that non-cooperation does not produce racial hatred on either side. If you are true non-cooperators there is racial hatred in safe hands. But in the illiterate masses, there will be hatred. We cannot ensure there will be no hatred in all people.

*"Racial Hatred Safe in His Hands"*

161. In contrast with the above is the statement of Bahu Rajendra Prasad a follower of the principle of love and freedom from hatred. The following are the questions put to him by Syt. V. J. Patel and his answers:

Q. I want to know your opinion about the boycott of British goods. So far as cloth is concerned, there can be no question that there should be boycott of foreign cloth in order that the cottage industry might thrive and people take to spinning as well as to looms and be self-supporting in that respect; but so far as other articles are concerned, wherever we don't get articles in India we can go to America, Japan and other countries. I would like to know, whether you would advise, after an examination of the question by an expert, the boycott of certain specified goods by the country?

A. Certain specified goods?

Q. Yes, because all articles cannot be boycotted?

A. No, I think it would be against the basic spirit of the present movement.

Q. Is not the whole object of the N. C. O. movement to bring pressure upon the Government to come to settlement with us?

A. The object is twofold, to strengthen ourselves, and secondly to put pressure upon the Government.

Q. Take the question of strengthening ourselves. Take pencils. You are getting these pencils from Germany, Japan, America etc. I say don't bring them from England but from any other country, how can your first position be affected?

A. It is a question of mental attitude.

Q. But can you kindly explain?

A. What I mean is this that we should use goods made in our own country.

Q. But where we have to go to other countries?

A. There the question of strengthening ourselves does not arise at all.

Q. Now take the second point. Does not the boycott of British goods bring pressure upon the Government?

A. It does.

Q. Then I may take it, where the first point does not arise at all, you have no objection to boycott the British goods in order to bring pressure upon the Government?

A. I think it is a question of mental attitude. It is to win our opponents by love and if anything goes against this attitude, we should not adopt it.

Q. You are not able to put it higher than that?

A. If you like I can do.



Q. If you feel, you may do.

A. If it is a case of all goods then I am perfectly clear.

Q. No it is not the case of all goods, it is only in those cases where we don't get from other countries. If we could get those things from America, Japan, and other countries, then why should we go to England?

A. I would prefer to be indifferent in the matter.

Q. But you have already agreed that it would bring pressure?

A. Yes, it may.

Q. And you are indifferent what attitude the Congress may take.

A. It may affect the basic principle, and our opponents whom we are winning by love.

Q. So you think that this basic principle has not in any way been affected by the boycott of courts of the satanic Government nor has it been affected by the boycott of schools and colleges?

A. That does not affect those.

Q. So there is no idea of bringing moral pressure to bear upon this Government?

A. We want moral pressure, but it is not a case of moral pressure.

Q. Where they would be affected materially, you would not do it?

A. Where they would be affected materially, I would not do it.

This statement amply justifies the conclusion arrived at by Syt. S. Srinivasa Iyengar. Babu Rajendra Prasad makes a non-violent effort to love, but true non-cooperator as he is he ends in proving that "racial hatred is safe in his hand".

### *Government's Vindictiveness*

162. We see nothing but hate and vindictiveness on the part of the Government. Nameless horrors are being openly committed by its underlings not always without the knowledge of superior officers. There are vindictive arrests, vindictive prosecutions, vindictive sentences, vindictively carried out. Repression and terrorism stalk the land in their naked barbarity. Every means, fair and foul, is being used to oppress the non-cooperator. To deprive the oppressed of a clean weapon of defence at such a moment by preaching the sermon of love may be justified by high spiritual ideals but is poor ethics in political warfare. I enter my strong protest against the introduction into the political programme of the Indian National Congress of religious and moral theories which are not the common basis of all religions in India.

### *Congress Programme One of "Progressive" Non-cooperation*

163. The other points made by my esteemed colleague may be shortly disposed of. It is evident that he is not prepared to consider any change in the programme in the absence of Mahatmaji. If that be so it is useless waste of time, money and energy to hold any more sessions of the Congress until we have the benefit of Mahatmaji's presence and guidance. The history of the last two Congresses is a history of the changes introduced

into the programme which by its very nature calls for periodical revision and alteration to suit the developments. It has been rightly described by Mahatmaji as a programme of "progressive non-cooperation" and it would be paying a poor compliment both to his teachings and his followers to ask the latter not to take one step forward without express orders from him. Besides it must be clearly understood that it is not every non-cooperator who has surrendered his own judgement to Mahatmaji's, great as is the faith of all in his inspiring leadership. Mahatmaji himself has never been known to approach any subject in the preliminary discussions and consultations except with a perfectly open mind. It is suggested that those who now support the boycott of British goods have failed to convince Mahatmaji of its propriety. There could be no question of convincing him when they are themselves not convinced even at the present moment as the very nature of the recommendation made clearly shows. It will depend upon the report of the expert committee whether the boycott is at all practicable. There were a number of boycotts in hand at the beginning and it was obviously unwise to add another the practicability of which is not quite apparent to this day. The rigour of some of those boycotts is now relaxed and the whole object of the appointment of this committee is to explore new avenues of work to meet the situation which faces us today.

#### *Boycott, a Duty to the Country*

164. We have taken care to indicate the sense in which we have used the word "punishment" and as we understand the passage from the *Young India* quoted at the opening of this section Mahatmaji has also used the word in the same sense. It is difficult to see where the ambiguity lies. The example of the restaurant proprietor would be a very apt one but for the important omission that the refreshments he offers are unwholesome. British trade in a great measure prospers on the exploitation of India and although other countries might also have availed of our inexhaustible resources they have not had a hand in crippling us and making us entirely unfit to use them. It is impossible to understand how it can be said that the boycott of British goods is being proposed for any reason other than that of fulfilling one's duty to one's country, and how it is any more induced by "sheer hatred" than the boycott of foreign cloth is. The motive behind both boycotts is one and the same, the difference being only in the degree of benefit to be derived from each.

#### *Boycott Recommendation—a Propaganda in Itself*

165. We have made it quite clear that the question of foreign cloth stands on a different footing altogether. If the boycott of any specified goods of British manufacture is recommended by the Congress, that recommendation will carry its own propaganda with it and no special effort will be necessary to carry it out. The very fact of a buyer asking for a knife or a pair of scissors of any manufacture other than British will automatically create a propaganda which will soon begin to be felt in Sheffield and Birmingham. People are only waiting for a Congress man-

date. The moment it is given it will become the talk of every home and bazaar and not a single worker will be required to enforce it. There is thus no danger of the work in connection with the boycott of foreign cloth being interfered with.

I am sorry I have to send the above to the press as my own note, as it is impossible to have the opinions of the members from Madras, Bombay and Delhi in time for the issue of the Report to members before the 31st October which I am trying my best to do. Copies are however being sent to Delhi by special messenger and to Madras and Bombay by post and members are being requested to wire their agreement or dissent as the case may be. Their replies will be printed separately and pasted here.

October 24, 1922.

M.N.

(N.B.) Mr. Patel has wired his agreement with the above note.

M.N.

(N.B. 2)—Syt. S. Kasturi Ranga Iyengar wired from Madras under date 28th October 1922:

"I adhere to resolution on boycott of British goods passed by a majority of the Committee at Allahabad"

## CHAPTER VIII

### CONCLUSION

#### *Decision Rests with the Gaya Congress*

166. We give a summary of our recommendations at the end of this chapter. It will be seen that on the main question of Civil Disobedience and all other points but three we are in full concurrence. On the question of the boycott of specified British goods to be recommended by an expert Committee and the question of the exercise of the right of private defence there are the majority and minority views, and in each case the majority consists of 5 members and the minority of one though not the same member. But the most important point on which the Committee is equally divided is the propriety and expediency of Congressmen entering into the Legislative Councils. The final decision of this rests with the Gaya Congress but it is meet and proper that a question of this gravity should be fully considered by the All India Committee and the public at large before it is brought up for discussion at the open session of the Congress. Those of us who have recommended entry into the Councils with the object of putting an end to the present system which stands condemned on all sides consider it to be a practical and desirable measure of a character similar to Civil Disobedience and hold that the time has come to adopt it. Those who entertain the opposite view are equally emphatic in the opinion that entry into the Councils under any circumstances would be an entirely false and retrograde step to take and would result in a serious set back of the whole movement. We regret that it was impossible to reach unanimity on this important point. We are aware that a sharp difference of opinion on the subject is almost certain to arise among the members of the All India Committee. This is unfortunate but the question cannot be shelved for long and the situation has to be faced. Both views will soon be before the country and the one endorsed by the All India Committee will undoubtedly carry greater weight though the final battle must necessarily be fought in the open Congress. Whatever line of action is eventually taken in this and other matters, non-cooperators must in any case be prepared to undergo much greater sorrow and suffering than they have so far endured, terrible as it has been. The struggle is prolonged, the end is not in sight. But unless the laws of nature are reversed and the lessons of history belied, freedom's battle has only one ending whenever it comes and that a glorious victory. Differences must, from time to time, arise about the methods to be adopted and the course to be followed. Such differences are signs of a healthy and vigorous growth and need cause no alarm. Individual views on other matters of principle or practice may vary from time to time but loyalty to the Congress must remain the first and last unalterable article of faith with every true Congressman. We have stood many trials but greater trials still await us. We need all the strength and courage that the country can muster up. The only reliable and unfailing source of strength lies in the constructive work planned out at Bardoli. Our first and foremost duty is to push on

with that work and protect it at all cost against attacks both from within and without. At the same time we must defend our national honour and self-respect at any sacrifice—if need be, with the best blood of the country. We have steadily kept these two essentials in view and have made no recommendation, whether unanimous or otherwise, which, in the opinion of those making it, has not stood the test of satisfying either the one or the other.

### *Difference of Methods not of Principles*

167 There is and can be no difference of opinion among the various schools of thought in India as to the essential character of the constructive work or the equally essential need for defending our national honour and self-respect. A good deal has been said about fundamental differences of principles but those principles themselves relate only to methods and do not affect the essentials we have referred to. Making every allowance for such differences and eliminating matters in which any real conflict is likely to arise, we think there will be left a substantial residuum of good solid work in which all parties can join without any sacrifice of principle. We are conscious that the irresistible logic of facts has compelled us to say some hard things about the general attitude of Councillors and co-operators throughout the country, but we must not be understood to mean that all Councillors and co-operators are alike. Many of them have undoubtedly tried their best to work, in all lines of cooperation, in the right spirit, and no one is more ready than they to admit that they have failed by reason of the inherent defects of the system. Again we have direct evidence to show that at least one Council has done all that was possible under the circumstances. In fairness to the Bihar Council we give below an extract from the evidence of Bahu Rajendra Prasad:

*(Mr Rajendra Prasad to Pandit Motilal Nehru)*

Q. In regard to the Ministers I have only to ask this: Is there any complaint against them that in the Councils they have behaved in a manner in which, if they had been non-cooperators they would not have behaved, that is to say, have they done all that non-cooperators would have themselves done within the limitations under which they work? You say: "These men have grown grey in the service of the country".

A. I think there is no complaint against them.

Q. They are called co-operators and have gone into the Councils, but if a non-cooperator had gone into the Council and had worked under the limitation under which these people work, could he have done anything better?

A. I don't think so.

Q. In other provinces there is a complaint that the Ministers and Councillors have not done all that they could have done.

A. I don't think there is a complaint against the Ministers or against the Councillors generally in this province, I won't say every member but members of Council generally.

The situation in the country demands that there should be only two parties the Government and the people but if that is not possible we see no reason why all parties should not meet on a common platform on questions of vital importance to the nation which can admit of no difference of opinion. The constructive programme of the Congress opens out a large and productive field for work by all who have the good of the country at heart. That we have a considerable number of selfless patriots among the Moderates has never been denied by any responsible non-cooperator. Attempts on either side to convert the other to its own view have so far failed and there seems to be no likelihood of success in that direction in the near future. But we venture to think that whilst agreeing to differ where difference is unavoidable it is possible to discover a common basis for joint action if both parties met in the right spirit. A beginning, however small, once made is bound to lead to very desirable results. In the course of our tour we noticed strong indications of a genuine desire in several parts of the country to work together on the lines we have suggested. As it is the highest duty of a non-cooperator to cooperate with his own countrymen where possible we trust that those indications will develop into definite proposals at no distant date.

#### *About Government the Less Said the Better*

168. About the Government the less said the better. Never before were such enormities committed in this country in the sacred name of law and justice. The irony of it all is that this phase of Imperialism should have been reserved for a Government presided over by the Ex-Lord Chief Justice of England. Is it possible to conceive that His Lordship is not aware that greater lawyers and jurists than he have found themselves unable to undertake the task upon which he has entered. We take the liberty to remind His Lordship of what Edmund Burke said in reference to the people of the thirteen colonies which subsequently became the nucleus of the present United States of America. He said:

"The thing seems a great deal too big for my ideas of jurisprudence. It should seem to my way of conceiving such matters that there is a wide difference in reason and policy between the mode of proceeding between the irregular conduct of scattered individuals or even bands of men who disturb order within the State, and the civil dissension which may from time to time on great questions, agitate the several communities which compose a great Empire. It looks to me to be narrow and pedantic, to apply the ordinary ideas of criminal justice to this great public contest. I do not know the method of drawing up an indictment against a whole people."

Relying upon the above passage before the Parnell Commission Lord Russell said:

"I want to point out to your Lordships that in truth the attempt is here being made in which your Lordships are asked to assist to do what

Edmund Burke declared had never been done, to draw an indictment against a whole nation. I say this for the purpose, not merely of stating what Burke says, but of pointing out the meaning of what he says. What does he mean by saying that you cannot indict a nation? He means that when a movement becomes the movement of a whole people that when there is a great national upheaval, the ordinary notions and rules of judicature borrowed from the Old Bailey and from *Nisi Prius* have no relation to such questions; that you are dealing in a higher region and with a broader issue than any in which the mere ordinary rules of judicature will help you."

Lord Reading in the year of grace 1922 is trying to achieve what Edmund Burke refused to attempt and Lord Russell declared to be outside the "mere ordinary rules of Judicature". Edmund Burke was dealing with a discontented population of not more than three millions at the time, and Lord Russell with a people who number less than five millions at the present day. Lord Reading is trying to gain the distinction of indicting a nation of three hundred millions under the Criminal law of India. Let His Lordship try. The three hundred millions make no defence and calmly await the result.

*Ajmal Khan*  
*Kasturi Ranga Iyengar*  
*Rajagopalachariar*  
*M. A. Ansari*  
*V. J. Patel*  
*Motilal Nehru*

## SUMMARY OF RECOMMENDATIONS

## 2. Entry into Legislative Councils

(A) The Congress and the Khilafat at their Gaya sessions should declare that in view of the fact that the working of the Legislative Councils during their first term has, besides proving a great obstacle to the redress of the Khilafat and Punjab wrongs and the speedy attainment of Swarajya, caused great misery and hardship to the people, it is desirable that the following steps should be taken in strict accordance with the principles of non-violent non-cooperation to avoid the recurrence of the evil:

1. Non-cooperators should contest the election on the issue of the redress of the Punjab and Khilafat wrongs and immediate Swarajya, and make every endeavour to be returned in a majority.

2. If the non-cooperators are returned in a majority large enough to prevent a quorum they should after taking their seats leave the Council Chamber in a body and take no part in the proceedings for the rest of the term. They should attend the Council occasionally only for the purpose of preventing vacancies.

3. If non-cooperators are returned in a majority which is not large enough to prevent a quorum they should oppose every measure of the Government including the budget and only move resolutions for the redress of the aforesaid wrongs and the immediate attainment of Swarajya.

4. If the non-cooperators are returned in a minority they should act as pointed out in No. 2, and thus materially reduce the strength of the Council.

As the new Councils will not assemble till January, 1924 we further propose that the Congress session of 1923 be held during the first instead of the last week of December and the matter be again brought up for the issue of a final mandate by the Congress in view of the election.

*Recommended by*

*Hakim Ajmal Khan  
Pandit Motilal Nehru  
Syt. V. J. Patel  
(p. 74 ante)*

(B) There should be no change of the Congress programme in respect of the boycott of Councils.

*Recommended by*

*Dr. M. A. Ansari  
Syt. C. Rajagopalachariar  
Syt. S. Kasturi Ranga Iyenger*

## 3. Local Bodies

We recommend that in order to clear the position it should be declared that it is desirable for non-cooperators to seek election to Municipalities and District or Local Boards with a view to facilitate the working of the constructive programme, but that no hard and fast rules be at present laid down to regulate or restrict the activities of non-cooperating mem-



Edmund Burke declared had never been done, to draw an indictment against a whole nation. I say this for the purpose, not merely of stating what Burke says, but of pointing out the meaning of what he says. What does he mean by saying that you cannot indict a nation? He means that when a movement becomes the movement of a whole people that when there is a great national upheaval, the ordinary notions and rules of judicature borrowed from the Old Bailey and from *Nisi Prius* have no relation to such questions; that you are dealing in a higher region and with a broader issue than any in which the mere ordinary rules of judicature will help you."

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Ajmal Khan  
Kasturi Ranga Iyengar  
Rajagopalachariar  
M. A. Ansari  
V. J. Patel  
Motilal Nehru

## SUMMARY OF RECOMMENDATIONS

### 1. Civil Disobedience

(a) The country is not prepared at present to embark upon general mass civil disobedience but in view of the fact that a situation may arise in any part of the country demanding an immediate resort to mass civil disobedience of a limited character e.g., the breaking of a particular law or the non-payment of a particular tax for which the people are ready, we recommend that Provincial Committees be authorised to sanction such limited mass civil disobedience on their own responsibility if the conditions laid down by the All India Congress Committee in that behalf are fulfilled.

(Unanimous. p. 52 ante)

(b) We recommend the restoration of the resolution No. 2 passed by the All India Congress Committee at Delhi on the 4th—5th November which gives Provincial Committees all the powers necessary to determine upon a resort to civil disobedience of any kind whatever, by cancelling Resolution 1. cl. 1, passed on the 24th—25th February to the extent it conflicts with that resolution; provided that general mass civil disobedience is not permissible.

(Unanimous. p. 53.)

## APPENDIX I

### THE QUESTIONNAIRE

*Framed and Circulated by the C.D. Enquiry Committee*

#### CONSTRUCTIVE PROGRAMME GENERALLY

1. Do you agree that at present the Constructive Programme to be worked to the extent necessary for strengthening and disciplining the Congress organisations so as to make them more sufficient and non-violent for civil disobedience?

2. Do you agree that the completion of the Constructive Programme is a question of years and that we shall have to continue to work that programme even after we get Swarajya?

3. Do you accept the view that as there is nothing of non-cooperation in any of the items of the Constructive Programme, all parties in the country can unite in working it?

4. Do you agree that non-cooperators can work the Constructive Programme somewhat more effectively, particularly such items as national education, boycott of liquor, Khaddar and the like by entering the Councils and thus prepare the country earlier for civil disobedience and non-payment of taxes?

#### SWADESHI

1. a. How many Charkhas are working in this province?

b. How many are worked under private enterprise, how many under the Congress and how many as cottage industry?

How does the Congress supervise private enterprise and cottage industry?

3. How much yarn is produced monthly and of what qualities?

4. Are there any organisations for selling yarn, if so, are they private or Congress, if both give numbers of each?

5. Does the province export or import yarn? How much and why?

6. How many Karghas or hand-looms are used in the province?

7. How many weaving organisations are there in the province? How are they controlled?

8. What is the monthly output of Khaddar and how is it sold? Is the Khaddar produced of pure hand-spun yarn or of mixed yarn?

9. Does the province export Khaddar? Give approximate monthly yardage and the cost?

10. Is Khaddar popular in the province? If not why? What is the percentage of Khaddar-wearing persons?

11. How does the price of Khaddar compare with that of rough mill cloth, Indian or foreign? If the price of Khaddar is high, what are the causes? Would you suggest some means of bringing down the prices?

12. How far has Khaddar progressed as compared with Indian mill-made cloth and foreign cloth?

bers beyond advising them to act in harmony with local or provincial Congress organisations. *(Unanimous p. 103 ante.)*

#### 4. Boycott of Government Educational Institutions

We recommend a strict adherence to the Bardoli resolution in regard to these by suspending for the present active propaganda calling upon boys to come out of schools and colleges. As required by that resolution reliance should be placed upon the superiority of National schools for drawing scholars from Government Institutions and not upon picketing or other aggressive propaganda. *(Unanimous p. 103 ante.)*

#### 5. Boycott of Law Courts by Litigants and Lawyers

Effort should be concentrated on the establishment of panchayats and cultivation of a strong public opinion in their favour. We further recommend that all existing disqualifications imposed on practising lawyers should be removed. *(Unanimous p. 104 ante.)*

#### 6. Organisation of Labour

Resolution No. 8 passed by the Nagpur Congress should be carried out without further delay. *(Unanimous p. 105 ante.)*

#### 7. Right of Private Defence

(A) We recommend that individuals should be given full freedom to exercise the right within the limits defined by law except when carrying on Congress work or on occasions directly arising therefrom subject always to the condition that it is not likely to lead to a general outburst of violence.

Using force in private defence in gross cases, such as insults to religion, outrages on modesty of women or indecent assaults on boys and men, is not prohibited under any circumstances.

*(All members except Syt. V. J. Patel p. 104 ante.)*

(B) Full freedom to exercise the right within the limits defined by law should be reserved to non-cooperators subject only to the condition that it is not likely to lead to a general outburst of violence, and to no further conditions.

*(Syt. V. J. Patel p. 105 ante.)*

#### 8. Boycott of British Goods

(A) We accept the principle and recommend that the whole question be referred to a committee of experts for a full report to be submitted before the next Congress meets.

*(All members except Syt. C. Rajagopalachariar p. 106 ante.)*

(B) There is no objection to the collection and examination of facts by experts, but the acceptance of the principle by the All India Congress Committee would mislead the nation and injure the movement.

*(Syt. C. Rajagopalachariar p. 107 ante.)*

## APPENDIX II

### ITINERARY OF THE CIVIL DISOBEDIENCE ENQUIRY COMMITTEE

- 30th June—Preliminary meetings of members at Delhi.  
1st and 2nd July—Sittings at Delhi.  
2nd July, 21-30—Departure from Delhi.  
3rd July, 8-30—Arrival at Lahore.  
3rd, 4th and 5th July—Sittings at Lahore.  
5th July, 14-5—Departure from Lahore.  
6th July, 9-17—Arrival at Cawnpore.  
6th July—Sittings at Cawnpore.  
6th July, 23-51—Departure from Cawnpore.  
7th July, 5-40—Arrival at Allahabad  
7th and 8th July—Sittings at Allahabad.  
8th July, 21-35—Departure from Allahabad.  
9th July, 8-0—Arrival at Jubbulpur.  
9th and 10th July—Sittings at Jubbulpur.  
10th July evening—Departure from Jubbulpur by motor.  
11th July morning—Arrival at Nagpur.  
11th and 12th July—Sittings at Nagpur.  
12th July, 22-10—Departure from Nagpur.  
13th July, 7-12—Arrival at Akola.  
13th July—Sittings at Akola.  
13th July evening—Departure from Akola.  
14th July morning—Arrival at Bombay.  
14th July evening—Departure from Bombay.  
15th July, 8-15—Arrival at Ahmedabad.  
15th and 16th July—Sittings at Ahmedabad.  
16th July, 21-40—Departure from Ahmedabad.  
17th July, 11-5—Arrival at Bombay.  
17th, 18th and 19th July—Sittings at Bombay.  
20th July, 0-15—Departure from Bombay.  
20th July, 6-22—Arrival at Poona.  
20th and 21st July—Sittings at Poona.  
22nd July, 2-24—Departure from Poona.  
22nd July, 14-10—Arrival at Bijapur.  
22nd and 23rd July—Sittings at Bijapur.  
23rd July night—Departure from Bijapur *Via* Gadag.  
25th July, 7-50—Arrival at Madras.  
25th, 26th, 27th and 28th—Sittings at Madras.  
28th July, 20-0—Departure from Madras.  
29th July, 5-57—Arrival at Erode.  
29th and 30th July—Sittings at Erode.  
30th July, 19-10—Departure from Erode.  
31st July, 7-15—Arrival at Madras.  
31st July, 19-0—Departure from Madras.

### GENERAL SITUATION

1. How has the movement of non-cooperation affected the general situation in the country?
2. How has the repression affected the movement of non-cooperation?
3. How have the Bardoli-Delhi resolutions affected the movement?
4. Is any change in the programme required? If so, in what direction?
5. Have you got any suggestions to make as regards making the movement more effective?

2. How do they stand financially and what are the sources of income?
3. What is the number of students and teachers in each grade?
4. How does national education this year compare with the last? If unfavourably, why? Suggest remedies.
5. Have you got any suggestions to make with regard to this item?

### PANCHAYAT

1. How many lawyers have suspended their practice?
2. What is the number of Panchayat Courts in the province?
3. Are the Courts popular or not, if not why? Suggest remedies.

### UNTOUCHABILITY AND ANTI-DRINK CAMPAIGN

1. How far have untouchability and drink been eliminated from the social life of the province? Is the rate of progress hopeful? What measures has the province adopted? What further means would you suggest?

### UNITY

1. How does your province stand with regard to inter communal relations generally?
2. If there is any friction: what are the causes and remedies in your opinion?

### NON-VIOLENCE

1. How far has the spirit of non-violence progressed in the province?
2. What is your opinion as regards the right of private defence in relation to this movement.

### CIVIL DISOBEDIENCE

1. Is your province as a whole or in part ready to start civil disobedience, if so, whether individual or mass and defensive or aggressive?
2. If your province is ready for civil disobedience can you say whether it is for disobedience of every un-moral law or of some? If the latter, mention the particular laws.
3. What would be the effect on the general situation in the country if a province undertakes isolated action in regard to civil disobedience?
4. Do you think that the majority of the provinces are ready to start civil disobedience simultaneously?

### REPRESSION

1. To what extent repression is practised in the province?
2. Is terrorism also resorted to? If so to what extent?
3. How are the political prisoners treated in jail?
4. What particular and peculiar forms of repression, if any, have been adopted in your province?

What effect has repression produced on:—

- (a) masses.
- (b) workers.
- (c) spirit of non-violence.

13. Is the use of Khaddar increasing or decreasing; if latter, why and how can it be remedied?

14. Compare this year with the last year with regard to the use of Khaddar? If it compares unfavourably, why?

15. How is your propaganda against foreign cloth going on and with what results?

16. Have you got any suggestions to make with regard to popularising Khaddar?

17. Have you got anything to say with regard to Khaddar as an item of the Constructive Programme?

18. How many institutions are there for teaching spinning and weaving and how are they controlled?

N B. Khaddar includes hand-spun, hand-woven cloth made of cotton, silk, wool or fabric produced in India.

### CONGRESS MEMBERS

1. What is the number of Congress members in the provinces and what percentage of the population does this number represent?

2. How does the present year compare with the last, so far as this item is concerned? If unfavourably what are the causes? Suggest remedies.

3. Is the enrolment made after fully explaining the Congress Creed to the members or not?

### VOLUNTEERS

1. a. What is the number of volunteers in the province?

b. How many are in and how many out of jail?

c. How many of them have tendered apology?

2. How does the volunteer movement in this year compare with that in the last; if unfavourably give causes and suggest remedies?

3. Have you got any suggestions to make with regard to:—

(a) Enrolment.

(b) Volunteer pledge.

(c) Organisation.

### FINANCES

1. How much money has the province collected for the Tilak Swarajya Fund and how much as the membership fees? Give figures for 1921 & 1922. If the present year collections are less, why?

2. Give the chief items of expenditure of the last year.

3. Have the accounts been kept according to the forms prescribed by the Working Committee and have they been audited?

4. What improvements and alterations would you suggest as regard the collecting, distributing and control of accounts?

### EDUCATION

1. How many national institutions are there in the province and of what grades?

## APPENDIX II

### ITINERARY OF THE CIVIL DISOBEDIENCE ENQUIRY COMMITTEE

- 30th June—Preliminary meetings of members at Delhi.  
1st and 2nd July—Sittings at Delhi.  
2nd July, 21-30—Departure from Delhi.  
3rd July, 8-30—Arrival at Lahore.  
3rd, 4th and 5th July—Sittings at Lahore.  
5th July, 14-5—Departure from Lahore.  
6th July, 9-17—Arrival at Cawnpore.  
6th July—Sittings at Cawnpore.  
6th July, 23-51—Departure from Cawnpore.  
7th July, 5-40—Arrival at Allahabad.  
7th and 8th July—Sittings at Allahabad.  
8th July, 21-35—Departure from Allahabad.  
9th July, 8-0—Arrival at Jubbulpur.  
9th and 10th July—Sittings at Jubbulpur.  
10th July evening—Departure from Jubbulpur by motor.  
11th July morning—Arrival at Nagpur.  
11th and 12th July—Sittings at Nagpur.  
12th July, 22-10—Departure from Nagpur.  
13th July, 7-12—Arrival at Akola.  
13th July—Sittings at Akola.  
13th July evening—Departure from Akola.  
14th July morning—Arrival at Bombay.  
14th July evening—Departure from Bombay.  
15th July, 8-15—Arrival at Ahmedabad.  
15th and 16th July—Sittings at Ahmedabad.  
16th July, 21-40—Departure from Ahmedabad.  
17th July, 11-5—Arrival at Bombay.  
17th, 18th and 19th July—Sittings at Bombay.  
20th July, 0-15—Departure from Bombay.  
20th July, 6-22—Arrival at Poona.  
20th and 21st July—Sittings at Poona.  
22nd July, 2-24—Departure from Poona.  
22nd July, 14-10—Arrival at Bijapur.  
22nd and 23rd July—Sittings at Bijapur.  
23rd July night—Departure from Bijapur *Via Gadag*.  
25th July, 7-50—Arrival at Madras.  
25th, 26th, 27th and 28th—Sittings at Madras.  
28th July, 20-0—Departure from Madras.  
29th July, 5-57—Arrival at Erode.  
29th and 30th July—Sittings at Erode.  
30th July, 19-10—Departure from Erode.  
31st July, 7-15—Arrival at Madras.  
31st July, 19-0—Departure from Madras.



**GENERAL SITUATION**

1. How has the movement of non-cooperation affected the general situation in the country?
  2. How has the repression affected the movement of non-cooperation?
  3. How have the Bardoli-Delhi resolutions affected the movement?
  4. Is any change in the programme required? If so, in what direction?
  5. Have you got any suggestions to make as regards making the movement more effective?
-

1st August, 8-50—Arrival at Guntur.

1st and 2nd August—Sittings at Guntur.

2nd August, 6-4—Departure from Guntur (*Via* Bezwada and Waltair).

4th August, 1-10—Arrival at Cuttack.

4th August—Sittings at Cuttack.

4th August, 21-36—Departure from Cuttack.

5th August, 7-25—Arrival at Calcutta.

5th and 6th August—Sittings at Calcutta.

6th August, 17-6—Departure from Calcutta.

7th August, 11 A.M.—Arrival at Gauhati.

7th and 8th—Sittings at Gauhati.

9th August—Tezpur.

10th August—Departure for Calcutta.

11th August—Arrival at Calcutta.

11th, 12th, 13th and 14th August—Sittings at Calcutta.

14th August—Departure from Calcutta.

15th August—Arrival at Patna.

15th and 16th August—Sittings at Patna.

At Patna the Committee dispersed.

TABULAR STATEMENT SHOWING PARTICULARS RELATING TO NATIONAL EDUCATION

Province	NATIONAL EDUCATION				Opinions and Suggestions
	Number of Institutions and Grades	Financial Condition and Sources of Income	Number of Students and Teachers		
I—Delhi	6 High Schools	Weak Mostly aided by Congress			National education declining. <i>Suggests</i> only such education at present as would be immediately useful to attainment of Swaraj. Wants an efficient All-India National Education Board.
II—Punjab	a. Colleges, 2 b. High Schools 15 c. Middle " 30 d. Primary " 53	Weak Sources:—Fees subscriptions and donations and grants from Congress	Lahore College:— teachers, 10 pupils, 90 High Schools:— teachers, 157 pupils, 3,090 Middle Schools.— teachers, 77 pupils, 1,290 High Schools:— teachers, 85 pupils, 3,884 Middle Schools:— teachers, 50 pupils, 2,701 Primary Schools— teachers, 100 pupils, 2,505 High Schools— pupils, 400		<i>Suggestions</i> .—(a) better organisation (b) more funds (c) holding of an All-India Educational Conference immediately (d) organisation of an All-India Text Book Committee and (e) opening of central training College
III—U P.	a. Universities, 2 b. Inter College, 1 c. High Schools, 11 d. Middle " 25 e. Primary " 71	Weak Sources:—Fees, monthly subscriptions, grants from Congress Committees and Tilak Swaraj Fund earmarked for education			<i>Suggestions</i> .—(a) technical instruction (b) new courses of study (c) efficient staff (d) sufficient money (e) propaganda among sympathisers (f) admission of men from National Institutions only for higher work in municipalities and boards
IV—C P. Hindustani	a. High Schools, 4 b. Middle " 3	Weak Sources:—Private			There is want of funds. <i>Suggestions</i> .—(a) existing schools should be efficiently

## Opinions and Suggestions

## NATIONAL EDUCATION

Province	Number of Institutions and Grades		Financial Condition and Sources of Income		Number of Students and Teachers	
V—C.P. Marathi	c. Primary ..		10		donations, subscriptions and voluntary taxes	
	a. College, 1				Very Weak	
	b. School, 23				...	
VI—Bengal	a. High Schools, 4				Total number of pupils, 1,667	
	b. A.V. " 14				High Schools:—	
	c. Girls' " 2				pupils, 433	
VIII—Gujarat	a. Colleges, 3				High Schools:—	
	b. High Schools, 13				teachers, 37	
	c. Schools below Matric, 25				A.V. Schools:—	
	d. Teachers training School, 1				teachers, 36	
	e. Vernacular and Primary, 88				Number of students, 33,857	
	f. Labour Schools, 60 and					
	g. Municipal Schools					

managed and (b) no more schools should be added.

It is not wholly right to say that Government system of education although faulty is the root cause of slave mentality. Suggestions—(a) National education should be broad-based on establishment of polytechnical colleges. (b) Service securing agencies should be formed. (c) Finances should be stabilised and (d) Ind an National Service should be immediately organised. Future prospects, for wants of funds not hopeful. *Suggestion*—Provision for training boys in some handicrafts.

*Suggestion*—More Primary Schools should not be added. For further suggestions refer to statement submitted to the Working Committee

VIII—Ajmer	National Schools, 7	Weak.	...	<i>Suggestions</i> —(a) organisation (b) textbooks for national schools and (c) suitable system of teaching.
IX—City of Bombay	a. Medical College, 1 b. Arts Science " 1 c. High Schools, 2 d. Girls' " 1	a & c maintained by the P.C.C. a, through local contributions and d by Swaraj Sabha	Arts and Science College:— pupils, 113 High Schools:— pupils, 505 Girls' Schools:— pupils, 232	National Education is faring well. <i>Suggestion</i> :—Education to be divided into rural and urban, rural to be linked with khadi. For higher education one or two model institutions in each province better than too many inefficient ones.
X—Maharashtra	a. Commercial College, 1 b. Colleges, 2 c. Secondary and High Schools, 21 d. Primary Schools, 6	Weak Sources:—Fees, donations and grants from Congress Committees	Secondary and High Schools-pupils, 1,600 College-pupils, 290	National Education this year compares unfavourably.
XI—Karnatak	46 Schools	Very Weak	Teachers, 166 Students, 2,116	Secondary education declining. Primary increasing. A sub-committee has been appointed to consider the provincial scheme
XII—Tamil Nadu	a. High, 3 b. Lower grade, 31	Local subscription and grant from P.C.C.	Teachers, 106 Pupils, 2,500	<i>Suggestion</i> :—Existing institutions should be placed on a sound basis.
XIII—Kerala	a. High Schools, 1 b. Primary " 4	Weak	Teachers, 12 Pupils, 390	Education compares unfavourably owing to rebellion. <i>Suggestions</i> —(a) Scholarships (b) Establishment of employment bureaus (c) Vocational training (d) Nominal fees and (e) Free primary education.
XIV—Andhra	Colleges, 5 Schools many	Weak	Average number of pupils in each institution is 300	Congress must start a central fund to support national education

Province	NATIONAL EDUCATION			Opinion and Suggestions
	Number of Institutions and Grades	Financial Condition and Sources of Income	Number of Students and Teachers	
XV—Utkal	a. High Schools, 5 b. Primary " 5	Weak Sources:—Subscriptions, donations, <i>mukht</i> weaving and spinning	High Schools teachers, 35 pupils, 327 Primary Schools teachers, 19 pupils, 222 ...	Education compares unfavourably owing to repression, etc. <i>Suggestions</i> :—(a) Uniform systematic course throughout India (b) financing by central fund and (c) more efficient control and supervision by the A.I.C.C.
XVI—Assam	There are high, middle and primary schools	Very Weak Sources:—Subscriptions and local aids	Professors, 60 Teachers, 959 College students, 800 School " 14,000	<i>Suggestions</i> :—(a) Imparting of technical education and (b) providing of sufficient funds
XVII—Bengal and Surma Valley	a. Medical Colleges, 2 b. Arts Science " 22 c. High Schools, 144 d. Many elementary schools attached to C	Very Weak Sources:—Subscriptions and local aids		Apart from finances national education compared favourably, money is required. Schools cannot generally be supported locally.
XVIII—Bihar	a. University, 1 b. College, 1 c. High Schools, 41 and many middle and primary schools	Weak Sources:—Fees, aids by Congress, donations, subscriptions and <i>mukht</i> collections	Pupils College, 67 High Schools, 3,583 (fig. for 34 schools). Primary and middle about 12,000 Number of teachers is about 500 Teachers, 80 Students, 1,937 About 5,000 pupils in religious schools	There is a falling off. <i>Suggestions</i> :—Regular and continued financial aid should be assured to better them in every way.
XIX—Sind	a. Congress Schools, 12 b. Private " 14 and c. 500 religious schools	Weak		<i>Suggest</i> starting of some model national institutions.

# APPENDIX V

## TABULAR STATEMENT SHOWING PARTICULARS RELATING TO PANCHAYAT

Province	PANCHAYATS		
	Number of Lawyers Who Suspended Practice	Number of Panchayats	Opinions and Suggestions
I—Delhi	12	11	Not very popular for want of efficient management. This item which is very important requires special attention of All-India and Provincial Congress Committees.
II—Punjab	50	Several hundred were started; some are working very vigorously	Very popular. Government's repression directed against them. They require protection not only by the P.C. C. but by the A I C C. Efforts of Sikhs in this direction praiseworthy
III—U.P.	116 suspended 6 resumed	137 Now almost none	Not popular. Suggestions:— (a) Sanction of social boycott. (b) Organisation on sounder lines.
V—C.P. Hindustani	45 suspended. 17 resumed	2 or 3	No serious work yet done by the Congress Committees.
V—C.P. Marathi	45	20 But many have been closed	Not popular, there being no power for enforcement behind their decrees.
VI—Berar	16 suspended 11 resumed	6	Not popular, there being no power for enforcement behind their decrees.
VII—Gujarat	10	2	Sufficient effort not made.
VIII—Ajmer	3	3	Popular.
IX—City of Bombay	3 suspended 1 resumed		
X—Maharashtra	15	16	Not popular.
XI—Karnatak	53 last year now 28 remain	7	Not popular. They cannot succeed without settlement of Brahmin-non-Brahmin dispute. Practising lawyers also give no help.
XII—Tamil Nadu	34	10	
XIII—Kerala	13 suspended 6 resumed	6 last year. Now none. Rebellion chief cause.	

PANCHAYATS			
Province	Number of Lawyers Who Suspended Practice	Number of Panchayats	Opinion and Suggestions
XIV—Andhra	108 last year.	130 last year.	Not so popular as last year, as several lawyers resumed practice and as panchayat decisions are not respected.
XV—Utkal	2	600 50 controlled by Congress.	They are popular but are disappearing owing to repression and want of constant supervision by Congress.
XVI—Assam	51		Very popular in Assam. Note:—Many searches of the office are responsible for the absence of statistics.
XVII—Bengal and Surma Valley.	About 300; about 110 still remain	Many Sylhet 750 Noakhali 15	To popularise panchayats, visits of leaders, lawyers' help and Zemindars' influence necessary. Suspending lawyers should be provided for.
XVIII—Bihar		In almost all villages	Very popular in beginning but declined owing to absence of authority to enforce decrees. Suggests supervision by persons of higher social and educational status having a high sense of duty and honesty.
XIX—Sind	6 suspended 2 resumed.	(1) Model Court in Sukkur. (2) Moultis and Zamindars carry on arbitration work also	Establishment of arbitration courts should be encouraged.



**APPENDIX VI**  
**THE TILAK SWARAJ FUND**  
**Audited Accounts for the Year 1921**  
*Statement showing particulars*

GENERAL COLLECTION																			
INCLUDING SALE PROCEEDS OF ORNAMENTS																			
Names of Provinces	With the Provincial Committees			With the Subordinate Committees			Specific (earmarked) Donations			Total			Amount Promised to be Realised			Grand Total of Contributions	Remarks		
	Rs.	A	P	Rs.	A	P	Rs.	A	P	Rs.	A	P	Rs.	A	P				
All India Congress Committee	10,434	15	0							10,434	15	0				10,434	15	0	
(Direct collections)																			
Bengal	4,14,067	0	10	2,09,802	11	11	6,33,000	0	0	12,56,869	12	9	4,46,000	0	0	17,02,869	12	9	
Madras	1,80,060	4	5							1,80,060	4	5				1,80,060	4	5	
Andhra	86,763	7	2½	90,225	9	2	1,68,713	9	2	3,45,702	9	6½	8,000	0	0	3,53,702	9	6½	
Kerala	11,392	9	2	10,139	6	2				21,531	15	4				21,531	15	4	
Bombay	21,23,518	8	6½				13,85,569	4	2½	35,09,087	12	0	2,63,000	0	0	37,72,087	12	9	
Gujarat	8,28,550	10	0½				4,52,685	3	3½	12,81,235	13	4	3,20,764	2	8	16,02,000	0	0	
Maharashtra	1,24,919	12	8	2,21,719	9	8	1,48,169	8	9	4,94,808	15	1				4,94,808	15	1	
Karnatak	46,061	9	0	97,734	13	2½	21,466	2	3	1,65,262	8	5½	17,000	0	0	1,82,262	8	5½	
Sind	68,253	3	3	1,27,288	12	9	5,000	0	0	2,00,542	0	0	Figure not available			2,00,542	0	0	



SUMMARY

General collections with the Provincial Congress Committees

" subordinate " "

Collections of Assam and Rangoon as reported to the All India Congress Committee

Add specific (earmarked) donations including immovable properties and shares

Add amounts promised to be realized

	Rs.	a.	p.
	53,55,988	14	2½
	9,51,530	5	2
	1,65,000	0	0
	37,20,295	1	10½
Total Collections	1,01,92,814	5	3
	10,98,592	11	8
Grand Total	1,12,91,407	0	11

One Crore twelve lacs ninety one thousand and four hundred and seven and ples eleven only,

(Sd) C H. Sopariwalla,  
Public Accountant and Auditor  
Bombay

## APPENDIX VII

### *General Classification of Witnesses for All India*

Number of witnesses examined	366
"    "    who submitted written answers only	93
(Names in Italics.)	<hr/>
Total	459
	<hr/>

*N B*—(In the following table the letter shown in Column 3 will be found in the Provincial tables opposite the name of the witness who gives evidence of the nature mentioned in Column 2.)

<i>S N.</i>	<i>Nature of Evidence</i>	<i>Mark in Provincial tables</i>	<i>Number of witnesses</i>
<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>
<b>CIVIL DISOBEDIENCE</b>			
1. For immediate Mass Civil Disobedience		A	4
2. " " Non-payment of taxes generally		B	3
3. For immediate Civil Disobedience limited to particular taxes and laws		C	5
4. For immediate Aggressive and Defensive Individual Civil Disobedience		D	100
5. For immediate Individual Defensive Civil Disobedience only		E	131
6. For Provinces or Districts not yet ready for Civil Disobedience in any form		F	161
7. Against any form of Civil Disobedience on principle		G	9
<b>COUNCILS</b>			
8. Against entry into Councils according to written answers		a	302
9. Against entry into Councils but for contesting elections		b	3
10. For entry into Councils only if Fatwa is revoked		c	5
11. " " " if C. D. is abandoned, or not launched for the present		d	7
12. For removal of ban and making entry optional			23
13. " entry into Councils with Congress Mandate			18
14. " " " Majority only		e	11
15. " " " even in a Minority		f	15
16. " " " for total Obstruction		g	
17. " " " responsive Co-operation		h	36
18. For entry into Councils for utilizing Councils as they are		k	36
19. For entry into Councils and running elections by Congress		l	4
20. For entry into Councils and running elections by individual effort		m	1
21. For entry into Councils for responsive Non-cooperation		n	3

## APPENDIX VII (A)

## DELHI PROVINCE:—(Centre) Delhi

S. N.	Name	Designation	Civil Disobedience	BOYCOTT OF BRITISH COURTS				PRIVATE DEFENCE			Remarks
				Courts By Lawyers	In Police Cases	In Private Cases	Boycott of Educational Institutions	General Cases	Extreme Cases	Boycott of British Goods	
1.	Pt. Pearey Lal Sharma	Meerut, Ex. Sec. P.C.C.	E	a	for	for	for	..	..	..	Triple boycott to be called off, if C.D. is not proposed to be started.
2.	Swami Shradhdhanandaji, Delhi	Vice Pres. P.C.C.	A	d	..	..	against	..	..	..	
3.	Md. Tamiz-ud-din Khan	Sec. National School Delhi	..	a	..	..	..	..	..	..	
4.	Lala Hanwant Sahai	Sec. P.C.C. Delhi	E	a	..	..	for	..	..	..	
5.	Syed Abid Husain	Head Constable Delhi	F	..	..	..	..	..	..	..	Lays emphasis on constructive programme
6.	Sardar Gurbaksh Singh	Vice Pres. D.C.C. Delhi	F	a	..	..	..	..	..	..	





APPENDIX VII (B)

PUNJAB:—(Centre) Lahore

S. N.	Name	Designation	BOYCOTT OF COURTS				PRIVATE DEFENCE				Remarks
			Civil Courts	By Law- yers	In Polit. Cases	In Private Cases	Boycott of Edu- cational Insti- tutions	General In Extreme Cases	Boycott of British Goods	Labour Organi- sation	
1.	Pandit K. Santanam	Gen. Sec. P.C.C.	D	a	for	for	for	or			
2.	Lala Duni Chand	Pres. P.C.C.	F	a	"	"	"	"			Wants to push through the constructive programme
3.	Prof. Ruchi Ram Sahni	Member P.W.C									
4.	P. Rambhuj Datt Choudhri	Lahore, Member A.I.C.C.	DB	d	"	For res- tricted defence	"		for	for	
5.	Sardar Bahadur Sardar Mehar Singh, Amritsar	Ex-Dy. Pres. Punjab Council Ex-Public Prosecutor, Sec. S.G.P.C.			fgk						
6.	Maulana Abdul Qadir, Kasur	Pres. Punjab Khilafat C'tee	D	a	"	for	for			"	
7.	Malik Lal Khan, Lahore	Sec. Prov. Khul. C., Member A.I.C.C.	D	a	"	"	"			"	
8.	Lala Sham Lal, Huzar	President D.C.C.	D	a	"	"	"			"	



S. N.	Name	Designation	BOYCOTT OF COURTS				PRIVATE DEFENCE			Remarks
			Civil Courts	By Law-	In	In	Boycott of Educational Institutions	General in Extreme Cases	Boycott of Labour of British Goods	
			Discipline	yers	Polin- cal Cases	Private Cases				
9.	Lala Amir Chand	Sec. D C C., Jhang	E	a	for	for	for			
10.	Swami Swatantra-nandji	Ludhiana	D	"	"	"	against			
11.	Virdeo	Sec. D C C., Ludhiana	D	a	"	"	for			
12.	Lala Kewal Kishen	Pres. D C C., Multan	D	"	"	"	"			
13.	Sardar Jodh Singh	Sec. D C C., Chawnd, Dt. Kasur	D	a	"	"	"			for
14.	Dr. Sant Ram	Sec. D C C., Amritsar	E	d k l	"	"	"			
15.	Sardar Sarmukh Singh	Sec. City C C., Amritsar	D	a	"	"	"			
16.	Lala Kishen Das	Sec. D C C., Hoshiarpur	E	a	"	"	for			
17.	Sardar Thakur Singh	Sec. D C C., Gujranwala	D	a	"	"	"			
18.	Lala Trick Nath	Jt. Sec. D C C., Lyallpur	E	a	"	"	"			
19.	Kishen Kumar	Sec. City C C., Ferozpur	E	a	"	against	"			
20.	Lala Bishen Nath	Pres. Town, C.C., Lahore	E	a	"	"	"			
21.	Mr. Ghulam Md	Sec D C C., Sialkot	D	a	"	"	"			
22.	K.A. Desai	Bhiwani	D	a	"	"	"			for



S. N.	Name	Designation	BOYCOTT OF COURTS				PRIVATE DEFENCE				Remarks
			Civil Disobedience	Can-cls	By Law- yrs	In Private Cases	Boycott of Educational Institutions	General In Extreme Cases	Boycott of British Goods	Labour Organisation	
40.	Sardar Gurdial Singh	Lahore	F	a					against	against	
41.	Sardar Kartar Singh	Philosopher	F								
			E-7	a-25	For-22	For	Agt-5	For-20	For General-4	For-2	For-4
			D-17	f-1	agt-1	only	No opi-	Agt-1	For in extreme	Agt-nil	Agt-nil
			A-1	g-1	No opi-	5	nion-20	No opi-	cases-1	No opi-	No opi-
			B-1	k-2	mon	Agt	nion-20	nion-20	Against-5	nion-39	nion
			F-8	l-1	-18	-nil			No opinion-31		-37
			G-1	m-3		No					
			No	d-3		opinion					
			opinion	No		-8					
			-8	opini-		For both-17					
			on-9	on-9		Against both-1					

APPENDIX VII (C)

UNITED PROVINCES:—(Centres) *Cawnpore and Allahabad*

S. N.	Name	Designation	Civil Disobedience	BOYCOTT OF COURTS			PRIVATE DEFENCE			
				Coun- cils	By In Poli- tical Cases	Private Cases of Educational Institutions	Boycott of General Cases	Boycott of British Goods	Boycott of Labour Organisations	Remarks
1.	Sri Krishna Datta Paliwal	Pres. T. C. C. Cawnpore	D	of	for	against	for			
2.	Manilal Avasthi	"	E	a	"	for	"	against	for	
3.	Thakur Indra Shekhar Singh	Sitapur	"			against				
4.	Dr. Sheoraj N. Saxena Lucknow	Sec. P. C. C.	E	df	"		for			
5.	Balmakund Rajpal	Lucknow	D	a	"	against	against	against		
6.	Kalcharan Mewar	Pres. D. C. C. Mainpuri	F		against pancha- yats		against			
7.	Raj Bahadur	President D. C. C. Etah *	F	a	against for propa- ganda	for, as far as possible	for	against	for	for
8.	S. Yamin Hashmury	Sec. Kh. C. C. Ghazipur	F	a	for	for	for	for	for	for

ALLAHABAD

S. N.	Name	Designation	BOYCOTT OF COURTS				PRIVATE DEFENCE			
			Chd- Disob- dience	Courts By In poli- tical Cases	Law- yers Cases	Private Cases	Boycott of Educational Institutions	General Ex- treme Cases	Boycott of British Goods	Labour Organi- sation Remarks
9.	Abdul Ahsd Khan	Gorakhpur	E	a	for	for	for	for	for	
10.	Shambhu Nath	Sec. D.C.C., Sitapur	E	a	"	"	"	for	"	"
11.	Samiuddin	Pres. Kh. C. Laherpur (Sitapur)	E	a	"	"	"	"		
12.	Md. Yusuf Imam	Pres. T.C.C., Mirzapur	E	f g k c						
13.	M. Masud Ali Nadwi	Sec. D.C.C., Azamgarh	E	a	against pancha- yats	for	against	against	for	for
14.	Mohanlal Saksena	Sec. T.C.C., Lucknow	E	f g c	against propa- ganda	against propa- ganda	against	"	"	for
15.	Mrs. Shamlal Nehru	Pres. D.C.C., Allahabad	P	a	for	for	for	against	for	for
16.	Shamlal Nehru	Sec. T.C.C., Allahabad	D	f g k	against for	against for	against	for	for	for
17.	Maulana M. Fakhir	Allahabad	P	a	for	for	for	"	"	against
18.	Pt. Harkaran Nath Misra	Gen. Sec. P.C.C., Lucknow.	D	a	for	for	against	against	for	for
19.	Pt. Gauri Shankar Misra	Sec. P.C.C.	E	a	for	for	for	against	against	for
20.	Pt. Bishambhar Nath Bajpal	" "	E	a	"	"	"	against	against	against

21. Kamaluddin Jafri	Sec. P.C.C.	D	a	for	for	against	for	for	against
22. Bishambhar Dayal	" "	D	a	"	"	"	"	for	"
23. Prof. J. B. Kirpalani	Bernares	E						for	

Wants a strong educational Committee. Advocates working constructive programme.

E-11 a-16	For	-16	For	-15	For	-8	For	-13	For	Gen-ral-3	For, in extreme cases-4	Against	-5	No opinion	-11
D-6 f-4	Agt.	-1	Agt.	-1	Agt.	-8	Agt.	-2	No opinion	-8	No opinion	-7	-8	No opinion	-3
F-4 g-3	No	-1	No	-1	No	-8	No	-2	No opinion	-7	-8	-7	-8	No opinion	-3
No opinion-3	0-2	-6	d-1	No opinion	-3	-1	No opinion	-3	-1	No opinion	-3	-1	No opinion	-3	-1

APPENDIX VII (D)  
C.P. HINDUSTANI—(Centre) Jabalpur

C.P. HINDUSTANI—(Centre) Jabalpur											
S. N.	Name	Designation	BOYCOTT OF COURTS					PRIVATE DEFENCE			
			Child Discipline	Coun- cils	By Law- yers	In Pol- itical Cases	In Pri- vate Cases	Boycott of Edu- cational Insti- tutions	In Extraj- udicial Cases	Boycott of British Goods	Labour Organ- isation
1.	Abdul Quadir Siddiqui Nimar	Member P.C.C. and A.T.C.C. Vice Pres. Prov. Kh. C'ttee	D	"	for	for	for	for	against	for	
2.	K. R. Khandekar	Sec. P.C. C'ttee	E	"	for	for	against	for	against	for	
3.	Sundar Lal	President Prov. C.C.	E	"	"	"	"	"	"	"	
4.	O. B. Ghate	Member P.C.C.	E	"	against	"	against	"	"	"	
5.	D. P. Mehra	"	D	"	"	"	"	"	"	"	
6.	Tajuddin	"	F	"	against	against	against	"	"	"	
7.	Lachman Singh	"	E	"	for	for	against	for	"	"	
8.	Mamkhal Kochar	"	E	"	against	"	against	against	"	"	
9.	M. L. Chaturvedi	"	E	"	for	for	against	for	"	"	
10.	Shambhoo Dayal	"	E	"	for	for	against	for	"	"	
11.	Govind Rao Lakhras	Sec. D.C.C. Saugar	D	"	"	"	for	for			
12.	Damodar Rao Shrikhande	Pres. D.C.C. Damoh	D	"	"	"	"	"	for		
13.	R. C. V. Indapam	Sec. D.C.C.	D	"	"	"	"	"			

14. Karamat Husain	Sec. D C C. Balaghat	D	a	for	for	for	
15. Prem Shankar Pande	Sec. D C C. Seoni	F	"	"	"	"	
16. W. R. Kankhoji	Sec. D C C. Bilaspur	F	"	against	against	for	
17. Bashir Ahmad Khan	Betul	D	"	for	for	"	
18. Brahmadin Sharma	Sec. D.C.C. Betul	D	"	"	"	"	
19. S. B. Pandit	"	F	f g	"	"	for	
20. D. P. Srivastava	Jabalpur	H	"	"	"	"	
21. Radhika Prasad	Vice Pres. D. C. C.	D	"	"	"	"	
22. Kanhyalal	Sec. "	F	"	for	for	for	
23. Seth Govind Das	Jabalpur. Member A. I. C. C.	DC	a	for	for	for	
24. E. Raghavendra Rao	Bilaspur. Ex-Pres P. C. C. Member A. I. C. C.	D	a	against	against	for	
25. Ravi Shankar Shukla	Raipur. Sec. D. C. C. Member P. C. C. and A. I. C. C.	F	a	for	for	for	Evid- ence on Khad- dar only
26. G. N. Fadnis							
27. W. D. Salpekar	Pres. D C.C. Chhindwara	F	"	against	against	against	for
28. B. R. Modak	Tahsil Office Harda	F	"	"	"	against	
29. N. H. Mody		D	k. l.	for	for	for	
30. G. C. Verma	Jabalpur	F	f. g. l.	against	against	against	





APPENDIX VII (E)  
C.P. MARATHI:--(Centre) Nagpur

S.N.	Name	Designation	BOYCOTT OF COURTS					PRIVATE DEFENCE			Remarks
			Civil Disobedience	By Councils	Lawyers	In Political Cases	In Private Cases	Boycott of Educational Institutions	General Cases	Ex-treme Cases	
1.	Dr. B. S. Moonje, Nagpur	Gen. Sec. P.C.C. and Member A.I.C.C.	E	f l	against	against	against	For	For		
2.	M. V. Abhyankar, Nagpur	Member P.C.C. and A.I.C.C.	E	f l	"	"	"	"	"	"	Has a scheme
3.	Dr. L. V. Paranjpe, Nagpur	Member P.C.C. and A.I.C.C.	E	f l	"	"	"	"	"	"	Has a scheme
4.	R. G. Gokhale, Nagpur	Sec. City C.C.	E	f l	"	"	"	"	"	"	Has a scheme
5.	V.V. Kelkar	Nagpur	E	f l	"	"	"	"	"	"	Has a scheme
6.	D. S. Chandekar	Editor "Maharashtra", member P.C.C.	E	f k	"	"	"	"	"	"	Has a scheme
7.	G. A. Ogale, Nagpur	Pleader, Taluk C.C.	E	f l	"	"	"	"	"	"	Has a scheme
8.	N. K. Ambekar, Bhandra	Sakola	E	f l	"	"	"	"	"	"	Has a scheme
9.	Md. Samiullah Khan, Nagpur	Sec. P.C.C. and P. Kh. C'ttee	E	f l	"	"	"	"	"	"	Has a scheme
10.	L. R. Atre, Wardha	Member P.C.C.	F	a	"	"	"	"	"	"	Has a scheme
11.	P. P. Ambekar, Nagpur	Supdt. Asahyog Ashram	D	a	"	"	"	"	"	"	Has a scheme
12.	M. A. Averi	Wardha, Sec. T.C.C.	D	a	"	"	"	"	"	"	Has a scheme
13.	Satyadev Vidyalkar	Sec. T.C.C. Hinganghat	D	a	"	"	"	"	"	"	Has a scheme
14.	N. M. Ghatwal	Member "	D	a	"	"	"	"	"	"	Has a scheme
15.	Abdul Karim Panwala	Sec. D.C.C.	D	a	"	"	"	"	"	"	Has a scheme
	T. K. Deshpande, Wardha		D	a	"	"	"	"	"	"	Has a scheme

S.N.	Name	Designation	BOYCOTT OF COURTS			PRIVATE DEFENCE			Labour Remarks
			Civil Councils Disobedience	By Lawyers	In Political Cases	In Private Cases	Boycott of Educational Institutions	Ex-Boycott Cases	
17.	M. V. Deshpande	Vice-Chairman Taluk,	E	f n	against	against	For	"	
18.	R. L. Aserkar	G. G. Wardha	E	a	"	"	"	"	
19.	H. K. Joshi, Wardha	Gondia, Sec. T.C.C.	E	f n	"	"	"	"	
20.	Dr. G. B. Deshmukh	Sec. T.C.C.	E	f n	"	"	"	"	
21.	N. G. Buche	Wardha, Member P.C.C.	E	f n	"	"	"	"	
22.	Kisan Phagu	Sec. T.C.C. Bhandara	E	f n	"	"	"	"	
23.	V. D. Mukesar								
24.	L. S. Bhaskar								
25.	Omalji Khandekar	Representatives of Untouchables							Want the Congress to put forth more practical efforts for removal of untouchability
26.	B. R. Phandarpurkar	Sec. D.C.C. Nagpur, Principal Nat. School Itwari.	F	m k	"	"	"	For	
27.	B. R. Mandekar	Pleader Nagpur	E-13 a-9 D-7 f-12 F-2 k-2 no opi- nion-5	For-8 Agt-14 no opi- nion-5	For-8 Agt-14 no opi- nion-5	For-8 Agt-14 no opi- nion-5	For-21 General Agt-nil no opi- nion-6	For-8 Agt-nil no opi- nion-19	
			m-1 n-4 no opi- nion-4				extreme cases nil against -nil		
								no opi- nion-13	

APPENDIX VII (F)  
BERAR:--(Centre) Akola

S. N	Name	Designation	BOYCOTT OF COURTS			PRIVATE DEFENCE			
			Chil Dis- obedience	Councils By Lawyers	In Pol- tical Cases	In Pri- vate Cases	In Pri- vate Cases	Gene- ral Institu- tions	Ex- Boycott Labour Re- marks
1.	M. S. Ancy	Pres. Prov. C.C.	E	g l	against	against	against	for	for
2.	W. G. Moharrir	Sec. " "	E	g l	"	"	"	"	"
3.	B. A. Kanikar	" "	E	g l	"	"	"	"	"
4.	D. G. Chowdhri B A.L.B., Akola	" "	E	g l	"	"	"	"	"
5.	K. R. Dhasmadikari	Sec. T.C.C. Daryapur	E	g l	"	"	"	"	"
6	Dr S. K. Naik Murtigapur	Member P C C. Sec. Home Rule League	E	g l	"	"	"	"	"
7.	P. R. Bedat Kar	" "	E	g l	"	"	"	"	"
8.	N. R. Ramangaonkar	Member A.I.C.C.	E	g l	"	"	"	"	"
9.	P. C. Toglekar (Akola)	Editor <i>Pragjapaks</i>	E	g l	"	"	"	"	"
10.	T. S. Rapat (Yeotmal)	Sec. D.C.C. Member P.C.C.	E	h	"	"	"	"	"
11.	S. V. Kelkar (Akola)	Member A.I.C.C. Sec. D.C.C.	E	h	"	"	"	"	"
12.	G. B. Bapat (Akola)	Member A.I.C.C.	E	h	"	"	"	"	"
13.	D. K. Kane	Yeotmal, Member Legisla- tive Council	E	h	"	"	"	"	"
14.	B. G. Khaparde	Editor, <i>Udaya</i>	E	h	"	"	"	"	"

S.N.	Name	Designation	BOYCOTT OF COURTS			PRIVATE DEFENCE			
			Civil Disobedience	By Councils	By Lawyers	In Folt-tical Cases	In Pri-vate Cases	Boycott of Edu-cational Institutions	Ex-Boycott of Labour Re-marks
15.	V. D. Bhagwat	Sec. D C.C. Amraoti, Member P.C.C.	E	h	against for	against for	against for	against for	
16.	S. Abdur Raouf Shah	Berar Prov. Kh. C'ttee	F	a	against for	against for	against for	against for	
17.	V. K. Somau	...	"	"	"	"	"	"	
18.	Gulsher Khan	Berar Prov. Kh. C'ttee	F	c	"	"	"	"	
19.	Dr. M. N. Parasnis	Vice-Pres. T.C.C. Khangoan (Dt. Buldani)	"	a	against for	against for	against for	against for	
20.	Randhan Marwari	...	F	a	against for	against for	against for	against for	
21.	Ghulam Yasin	Berar Prov. Kh. C'ttee	F	a	"	"	"	"	
22.	R. V. Siraik	...	"	"	"	"	"	"	
23.	Zainuddin Karimuddin	Berar Prov. Kh. C'ttee	F	a	against for	against for	against for	against for	
24.	P. D. Mule	...	F	a	"	"	"	"	
25.	Bakhtawarmal	...	F	a	"	"	"	"	
26.	Nanabhai Idaram	...	F	a	"	"	"	"	
27.	Ambadas Narain	Medical Practitioner, Amraoti	F	a	"	"	"	"	
28.	Shiv Parshad Sharma	Yeotmal	F	a	"	"	"	"	
29.	Salig Ram	...	F	a	"	"	"	"	
30.	Sharfuddin	...	F	a	"	"	"	"	
31.	Fateh Chand	...	E	a	"	"	"	"	
32.	Ghulam Mustafa	...	F	a	"	"	"	"	
33.	Pearcy Lal	...	F	a	"	"	"	"	









## SIND:—(Centre) Ahmedabad

S. N.	Name	Designation	Civil Disobedience	BOYCOTT OF COURTS			PRIVATE DEFENCE			Remarks
				By	In	In	Boycott of Educational Institutions	Extreme Cases	General Cases	
				Lawyers	Political Cases	Private Cases				
Report on behalf of the Sind P.C.C. Civil Disobedience Inquiry Committee by										
1.	Abdur Rahman Kazi	Pres. Sind P.C.C.	D a	for	for	for	for			
2.	Prof. Jathmal Lakhasingh	Secretary P.C.C.								
3.	Maulana Md. Sadig									
4.	Dr. H.G. Karim									





APPENDIX VII (I)  
MAHARASHTRA:—(Centre) Poona

S.N.	Name	Designation	Chil Councils Disobedience	BOYCOTT OF COURTS			PRIVATE DEFENCE			
				By Lawyers	In Poli- tical Cases	In Pri- vate Cases	Boycott of Educa- tional Insti- tutions	Gen- eral Cases	Ex- treme Cases	Boy- cott of British Goods
1.	N. C. Kalkar	Pres. P.C.C. Member A.I.C.C. and Working Committee		h p	against	against	against	for	for	Respon- sive Non- coopera- tion
2.	P. V. Mahajni	Sec. P.C.C.	E	h p	"	"	"	"	"	"
3.	L. B. Bhopalkar	Pres. D.C.C. Poona	E	k l	"	"	"	"	"	"
4.	V.M. Foidar	D.C.C. Poona	E	k l	"	"	"	"	"	"
5.	R. G. Soman	Satara	E	l	"	"	Agt. boy- cott of Sec- ond, and Prim., Schools.	"	"	"
6.	R. V. Lalit	Pleader, Sholapur	m							
7.	R. M. Mandlik	Kolaba	F	e	"	"	against	"	"	"
8.	P. M. Sathe	Vice Pres. D.C.C. Ratnagiri	F	g c	"	"	"	"	"	"
9.	D. R. Gupte	Sec. D.C.C. Thana	D	m	"	"	"	"	"	"
10.	P.G. Joshi Pleader	Member A.I.C.C. Khandesh	G	m	"	"	"	"	"	"

S.N.	Name	Designation	BOYCOTT OF COURTS			PRIVATE DEFENCE					Labour Re- marks	
			Chd- Disobe- dience	By Councils	Lawyers	In Poli- tical Cases	In Pri- vate Cases	Boycott of Educa- tional Institutions	Gene- ral Cases	Ex- treme cott of Goods		
11.	D. V. Gokhale		E	h p		against	against	against	against	for	for	
12.	V. M. Bhat		E	m		"	"	"	"	"	"	
13.	K. N. Kavade		E	k l		"	"	"	"	"	"	
14.	G. H. Joshi	Sholapur	F	m		"	"	"	for	against	"	
15.	C.V. Vaidya	Ex-Pres. Prov. C.C.	E	a		for						
16.	V.V. Dastane	E. Khandesh, Vice Pres. P.C.C.	E	a		"	"	"	"	"	"	
17.	S. D. Deo	Poona	E	a		"	"	"	"	"	"	
18.	Kowjalgi	Poona	E	a		"	"	"	"	"	"	(Gives the opinion of majority in Province.)
19.	S. K. Alkar	Touring Sec. P.C.C.				"	"	"	"	"	"	
20.	G. N. Kanikar		E	a		against	against	against	"	"	"	
21.	N.N. Ashtaputre	Pres. D.C.C. Satara	E	a		for	"	for	"	"	"	
22.	S. P. Patwardhan	D.C.C. Ratnagiri	E	a		"	"	"	against	"	"	
23.	V. G. Apte	Member P.C.C.	E	a		for	for	for	for	against	for	
24.	M. Abdul Alim Siddiqi Hakim		E	a		"	against	"	"	"	"	
25.	Dr. Mrs. Indumatibai Naik	Member A.I.C.C. Poona	E	a		"	"	"	"	"	"	
26.	Dr. Naik	Poona	E	a		"	"	"	"	"	"	
27.	V.V. Sathe	Member D.C.C. Poona	E	a		"	"	"	"	for	for	
28.	B.H. Phansalkurkar	Member P.C.C. Sholapur	E	m		against	against	against	"	"	"	
29.	Ram Krishnadas	Ahmadnagar	F	a		"	"	"	"	"	"	

30. <i>V.L. Mehta</i>	President D.C.C.W. Khandesh	B	a	"	"	"
31. <i>K.L. Ogale</i>	Vice President D.C.C.W. Khandesh	P	a	"	"	"
32. <i>V.G. Jovadekar</i>	Sec. D.C.C.W. Khandesh	P	a	"	"	"
33. <i>Dreki Nandan Narain</i>	Jalgaon, Secretary W. Khandesh O.C.	B	a	for	"	"
34. <i>Mohd Husain Madhoo</i>	Bhiwundi	P	a	"	"	"
35. <i>I.N. Kokum</i>	Secretary D. Kh. C. Satara	P	a	"	"	"
36. <i>Prof D.R. Chakrapure</i>	Registrar Tilak Vidyapith, Poona	B	a	for	"	"
37. <i>V.V. Bawdekar</i>	Satara, Member P.C.C.	P	e	against	"	"
38. <i>Dr. G.S. Gore</i>	Physician and Surgeon, Poona					Suggests a scheme for organisation
39. ...	Pres. Ali Bagh Taluk C.C.	P	a	for	"	A scheme for Khaddar
40. <i>V.A. Bhivkar</i>	Poona					
41. <i>V.G. Joshi</i>	Member Rashtrya Sang. Poona	B	a	for	"	Examined at Bijapur
42. <i>J. M. Samant</i>	Sholapur Vice Pres. P.C.C.	D	a	for	"	Examined at Bombay
43. <i>Jamnadas M. Mehta</i>	Pres D.C.C. Thana	B	i	against	for	
44. <i>J. K. Mehta</i>	Bombay Suburban D.C.C.	B	a	against	against	Ditto Ditto



S.N.	Name	Designation	BOYCOTT OF COURTS				PRIVATE DEFENCE				Labour Organisation	Remarks
			Civil Disobedience	Count-By	In Pol- tical Cases	In Pri- vate Cases	Boycott of Edu- cational Institutions	Gene- ral Cases	Ex- treme Cases	Boycott of British Goods		
11.	K. R. Kargupikar, Belgaum	Sec. Dist. C. C.	F	a	for	for	for	against	against			
12.	V. D. Belvi	Do.	B	1	against	for	against	for	for			
13.	G. T. Doddabal, Bijapur	Congress worker	B	1	for	for	"	"	"			
14.	A. C. Angad, Bijapur	Pleader	B	h, m								
15.	B. T. Mane	Sec. Brahmin and Non-Brahmin C'ttee	B	m	for	defe- nce						
16.	N.H. Dambale	Sec. Karnatak P. C. C.										Answers statistical questions.
17.	S.T. Datar, Belgaum	V. P. Dist. C. C.	a									Called specially to give evidence on Brahmin-Non Brahmin controversy.
18.	Bhimappa H. Tirapur Biddi		E-3 D-9 F-2 No opi- nion -4	a-11 b-1 1-2 m-2 e-2 No opi- nion	for -9 Agt -4 No opi- nion	for -11 Agt -2 No opi- nion	for -3 Agt -11 No opi- nion	For -10 Agt -2 No opi- nion	For -2 Agt -10 No opi- nion	For -2 Agt -10 No opi- nion		



APPENDIX VII (K)  
TAMILNADU:—(Centre) Madras

S. N.	Name	Designation	Child Disposition	BOYCOTT OF COURTS				PRIVATE DEFENCE				Labour Organisation	Remarks
				By Law	In Police Courts	In Private Cases	In Boycott of Educational Institutions	General Cases	Extremes of Cases	Boycott of British Goods			
1	A. Ranganayagam	Editor "Swadesmitram"	F	sk	l			against	for	for	for		
2	V. Chakraborty	Sec. Madras C. C. C.	E	a				for defence in false cases		for	for		
3	N. S. Vaidyanathan	Member C. C. C.	D	a				for			against		
4	Shree M. S.	"	E	a				for defence in false cases			for		
5	T. S. S. S.	"	E	a				"			for		
6	T. V. S. S.	Pres. D. C. C.	D	a				against for					
7	V. S. S.	Teaching Member of Council P. C. C.	F	a				for					
8	S. S. S.	"	P	sh				against		for	for		
9	M. S. S.	Pres. Prov. C. C.	D	a				for		for			
10	K. S. S.	Prov. C. C. Council	E	a				"		"	"		

APPENDIX VII (L)  
KERALA:—(Centre) Erode

S. N. Name	Designation	BOYCOTT OF COURTS				PRIVATE DEFENCE				Remarks
		Civil Disobedience	Counters	By Lawyers	In Political Cases	In Private Cases	Boycott of Educational Institutions	General Extreme Cases	Boycott of Labour Organisation of British Goods	
1. K.P. Kesava Menon	Sec. P.C.C.	F	a	agt direct appeal to them	for	for	against propaganda	for	for	
2. K. Madhanan Nair	Sec. D.C.C. Calicut	F	a	"	"	"	"	"	"	
3. Krishna Swamy Iyer	Sec. D.C.C. Palaghat	F	a	for	for	for	"	"	"	
4. S. Chidambaramanathan	" " North Malabar	D	a	"	"	"	"	"	"	
5. M. Narain Menon	Sec. D.C.C. Cochin	F	a	agt direct or appeal	"	"	"	"	"	
6. P. Ramnair Menon	Sec. Waluvanad Taluk C.C.	F	a	agt direct or appeal	"	"	"	"	"	
7. Vallabhal Parshotam		F	a	"	"	"	"	"	"	Describes Khaddar work
8. M. Govinda Karup	Hon. worker Calicut	F	a	"	"	"	"	"	"	
8(a) Nilkantan Nambudiripad	Khaddi Sec. Cochin State C.C.	F	a	"	"	"	"	"	"	
9. U. Gopala Menon		F	a			against		against		
10. Mohidden Koya	Member P.C.C. and Sec. P. Khilafat Committee	F	a							

against

for

11. M. Gopala Menon	Sec. Taluk C.C. Calicut	P	a
12. M. Mathoonney	Sec. Kattam Taluk	F	a
13. M. Arabi Schamnad		F	a
14. M. Aleppy Keyi		F	a
15. M. Hasan		F	a
16. A. K. P. Iliad	Sec. D.C.C. Travancore	P	a
17. K. Md. Haff, Calicut	Tobacco Merchant	E	a
18. M. Omar Coya	Merchant Calicut	P	a
19. P. M. Abdalla Coya	" Calicut	P	a
20. M. A. Ali Coya	Timber Merchant Calicut	P	a
21. M. Kasim	Prop., Industrial Works Calicut		
22. B. Abdul Rahman Katty	Merchant Calicut		
23. K. P. Shekhara Menon		F	a

D-1 F-23	a-24	For-2	For-9	For-9	For-1	For General-9	For-9
		Agt direct appeal-7	Agt-7	Agt No opinion-15	Agt propaganda -Agt	For, in extreme cases-...	For-9
		Agt-...	opinion	No opt-15	No opt-15	Against-No opinion-8	Agt-... No opt-24
		No opt-15	non-15	non-15	non-15	non-15	non-15



9. T. Prakasam	Pres. Andhra P.C.C., Member A.I.C.C. and Working Committee	D	a	for	for	for	for	for	
10. G. H. S. Rao	Pres. D.C.C. Andhra (Madras)	E	a	"	"	"	"	"	
11. G. V. Subramaniam	Tutor and Lecturer, Sec. Madras (Andhra) D.C.C. and Member P.C.C.								M.C.D. after ultimatum and 2 month's time to Govt.
12. U. V. Krishnalal	Dt. Kistna	E	a	"	"	"	"	"	
13. Peda Venkata Narasiah	Ex-Pres. Guntur D.C.C.	F	a	"	"	"	"	"	
14. G. Ram Krishnalal	Sec. D.C.C. Guntur	P	a	"	"	"	"	"	against
15. K. Raja Gopalachari	Sec. D.C.C. Chittoor	F	a	"	"	"	"	"	
16. Dr. D. S. Ramchandrarao	Pres. C. C. Berwada	F	a	"	"	"	"	"	
17. Ramalingam Garu	Sec. Ganjam D.C.C. Rerhampur	E	a	"	"	"	"	"	for
18. Y. Manghya Garu	Sec. West Godavari D.C.C. Ellore	F							for



APPENDIX VII (N).  
C.P. MARATHI:—(Centre) Nagpur

S N.	Name	Designation	Civil Councils Disobedience	BOYCOTT OF COURTS				PRIVATE DEFENCE				Re-marks
				By Councils	By Lawyers	In Political Cases	In Private Cases	Boycott of Educational Institutions	General	Extreme Cases	Boycott of Labour	
				a	for	for	for	for	for	for	Goods	Organisation
1.	G. Chowdhry	Vice Pres. Utkal P.C.C.	F	a	for	for	for	for	for	for		
2.	Madhusudhan Biswal	Member P.C.C.	F	a	"	"	"	"	"	"		
3.	Niranjan Patnaik, Ganjam	Sec. D.C.C. Member P.C.C. and A.I.C.C.	F	a	"	"	"	against	for	for		
4.	Nilkanth Das	Member P.C.C.	F	a	"	"	"	for	against	against		
5.	Mahabir Singh	President P.C.C.	D	a	"	"	"	"	"	for		
6.	Kirpa Sindhu Misra	Member P.C.C. and A.I.C.C.	F	a	"	"	against	"	"	"		
7.	Godavari Misra	Pres. D.C.C. Singbhum	D	a	"	"	against	against	against	"		
8.	Ch. Nil Kantha Dass	Member P.C.C. and A.I.C.C.	F	a	"	"	for	for	for	"		
9.	Balkrishna Misra	Member P.C.C. and A.I.C.C.	F	doubtful	"	"	"	"	"	"		
10.	Bancharidhi Mahantny	Member P.C.C.	F	a	"	"	"	"	"	"		
11.	Birkishore Dass	Member P.C.C.	F	a	"	"	"	"	against	against		

S N	Name	Designation	BOYCOTT OF COURTS			PRIVATE DEFENCE			
			Civil Disobedience	By Councils	In Political Cases	In Private Cases	Boycott of Educational Institutions	General Cases	Boycott of Labour Organisation
12.	Narsingh Charan Chowpatnaik	Member P.C.C.	?	a	for	for	for		
13.	Sarat Chandra Das	Member P.C.C.	F	a	"	"	"		
14.	Raghunath Mahapatre	Puri, Member P.C.C.	F	a					
15.	Brij Bandhu Das		F	a	for	for			
16.	Markanday Mahantray	Member P.C.C.	F	a	"	"	for		
17.	Umesh Chandra Roy	Member P.C.C.	F	a	against	against	against		
18.	Bichitrnand Das	Lawyer, Member P.C.C.	G	I			against		
19.	Krishna Ballabh Ghosh		G	I	"	"	"		

A—nil a—14 For—15 For—13 For—12 For General—4 For—nil For—nil  
 D—2 1—2 Agt—2 Agt—4 Agt—5 For in extreme Agt—nil Agt—nil  
 F—14 doubtful no opi no opi no opi no opi no opi no opi  
 G—2 —1 non—2 non—2 non—2 non—2 against—2 non—19 non—19  
 no opi no opi no opi no opi no opi no opi  
 non—1 non—1 non—3 non—3



APPENDIX VII (O)  
BENGAL AND SURMA VALLEY:—(Centre) Calcutta

S N.	Name	Designation	Civil Disob- edience	BOYCOTT OF COURTS			PRIVATIVE DEFENCE			Re- marks
				By Lawyers	In Political Cases	In Pri- vate Cases	General Cases	Extreme Cases	Boycott of Bri- tish Goods	
1.	Hardayal Nag	Pres. Bengal P.C.C.	B	a	for	for	for	against	against	
2.	J M. Sen Gupta	Vice Pres. P.C.C.	B	for	against	against	against	against	for	
3.	Satyendra Ch. Mitra	Sec. P.C.C.	D	I	"	"	"	for	"	
4.	Satowripati Roy	Member P.C.C.	C D	a	for	for	for	for		
5.	Kiran Sankar Roy	Sec. Board of National Education	F	m	against	against	against	against	against	
6.	Mannohan Neogy		E D C D	m	for	for	for	for		
7.	Sri. Mayadevi and 2			m	for	for	for			
8.	Other ladies			m	"	"	"			
9.	" "			m	"	"	"			
10.	B K. Mazumdar		A	m	"	"	"	for		
11.	K K. Datta		F	a	o	o	o	o	for	For in prin- ciple but suggests relaxation
12.	Saratindru Chatterjee	Birbhum, Member P.C.C.	B	a	for	for	for	for		
13.	Dhirendra Nath Goswami	Sec. D.C.C. Naogang		m						
14.	Kanti Lal Parikh	Sec. C.C. Burrabazar	F	a	for	for	for	for	for	Leaders sho- uld not enter into Council





APPENDIX VII (P)  
ASSAM:—(Centre) Gauhati

S.N.	Name	Designation	Civil Disobedience	BOYCOTT OF COURTS			PRIVATE DEFENCE		
				Councils By Lawyers	In Police Courts	Boycott rate of Educational Institutions.	General	Extreme Cases	Labour Remarks
								Boycott of British Goods	Organisation
1.	Omeso Kumar Das, Tezpur	Sec. D.C.C. Member P.C.C. and A.I.C.C.	B	a	for	against	for	against	for
2.	Rohini Kanta Basu Barua, Jorhat	Member D.C.C. and P.C.C.	D	a	"	for	for	against	"
3.	Dattawar Sharma, Jorhat	Member D.C.C., P.C.C. and A.I.C.C.	D	a	"	against	against	for	"
4.	Sri Kedar Nath Goswami, Dibrui	Vice Pres. D.C.C.	D	a	for	for	for	for	"
5.	Kali Pethad Bara, Nowgong	Sec. D.C.C. & member P.C.C.	D	a	"	"	against	against	"
6.	Kamakhya Ram Boroach Gauhati	Pleaser member D.C.C. and P.C.C.	F	to	against	against	for	against	for
7.	Hemchandra Barua	Asst. Sec. P.C.C.	F	a	for	"	against	against	for
8.	Lalimchar Sharma	Tezpur	F	a	"	for	for	against	"
9.	Shyam Sundar Chowdhri	Sec. D.C.C. Dibrugarh	I	a	"	against	against	for	"
10.	Krishnakanta Boroach		E	a	"	"	"	for	"
11.	Umesh Chowdhri, Barpeta		P	a	"	"	for	for	"

12. Gunindra Nath Barua Gohaghat  
 13. Bhabindra Chandar Das Mangaldal  
 14. B. K. Das, Sibsoger Sec. D.C.C.

E	a	for	for	against	for	against	for	for
E	a	for	for	for	against	against	for	for
F	a							
B-4 a-13 For-12 For-5 For-9 For General-8 For-3 For-13								
D-4	1-1	Agt-1	Agt-...	Agt-8	Agt-4	For in extreme	Agt-7	Agt-...
F-5	e-1	No	No	No	No	cases-1 Aga-	No	No
No	No	opinion	opinion	opinion	opinion	inst-5 No	opinion	opinion
opinion	opinion	-1	-1	-1	-1	opinion-...	-4	-1
-1	---							

APPENDIX VII (Q)  
BIHAR:—(Centre) Patna

S. N.	Name	Designation	BOYCOTT OF COURTS				PRIVATE DEFENCE			
			Civil- Disor- der- ence	Coun- cils	By Law- yers	In Politi- cal Cases	In Private Cases	Boycott of Govern- ment and Aided Insti- tutions	Gen- eral Cases only	Boycott of British Goods
1.	Babu Rajendra Prasad	Gen. Sec. P.C.C. Member A.I.C.C. and Working Committee	B	a	for	for	for	against	against	for
2.	Krishna Parkash Sen Sinha	Member A.I.C.C.	B	a	"	"	"	for	"	"
3.	Moulvi Bashirulhaq	"	B	a	"	"	"	"	"	"
4.	Ch. Karamat Husain	Member A.I.C.C.	B	a	"	"	"	"	"	"
5.	Anugrah Narain Singh	"	B	a	"	"	"	against	"	"
6.	Bepin Behari Verma	"	B	a	"	"	"	for	for	"
7.	B. Dharaidhar	"	B	a	"	"	against	"	for	"
8.	Mohammad Ali Azim	"	B	a	"	"	"	against	against	"
9.	Banarsi B. Jhaughwala	"	B	a	"	"	"	"	"	"
10.	Mantrreswar Sharma	Late of "Independent" "Motherland"	B	a	"	"	against in private and press cases	against	for	



## APPENDIX VIII A

### *Extract from the Repression Report of the United Provinces up to the end of June, 1922*

2. "Cases of injustice were numerous during this period (August to November 1921) but we would like to draw special attention to three cases. The first is Syt. Shambhu Nath's who in spite of being a victim of consumption was proceeded against because he had been guilty of visiting Pandit Motilal Nehru."

"The second case is Dr. Abdul Karim. He was guilty of settling with consent of all parties concerned a petty pilfering case. For this he was tried and sentenced to one year's imprisonment although the thief whose case he had settled was let off subsequently with a warning."

"The third case is Syt. Mahavir Tyagi's, who as is well-known was hit in the open court by order of the presiding Magistrate, Mr. Dobbs. Subsequently Mr. Dobbs, at the instance perhaps of his official superiors, offered an apology for his misbehaviour. The manner in which this was done was an additional insult. Mr. Dobbs offered to pay Rs. 50 to some charity in case Syt. Tyagi was proved innocent of the offence of which he was accused in his (Mr. Dobbs's) or any other court."

3. "Action was not taken under the Press Act which could be said to be honest repression. The method adopted was to demand heavy security from the editor and the publisher in their personal capacities under section 107 or 108 of the Criminal Procedure Code. The maximum sum allowed under the Press Act is Rs. 10,000. Under the new dispensation a sum of Rs. 30,000 was demanded in the shape of securities from the editor and publisher of the "Pratap" of Cawnpore."

4. "Cases have occurred where the sins of the son have been visited on the father. In Fyzabad a Government servant was dismissed from service because his son was a non-cooperator."

5. "We would mention here that at Campierganj in Gorakhpur district an over-zealous manager of an estate collected all the charkhas he could lay hands on and set fire to them."

"Cases have occurred where attempts were made to frighten weavers and induce them not to use hand-spun yarn."

## AMAN SABHAS

"We give below some of the methods employed by the members of the Aman Sabhas:—

1. Petty officials were enjoined to devote all their energies to making members of Aman Sabhas. They must obtain their "quota" of members or else their future tenure of office may be endangered.

2. At some places villagers have been beaten and otherwise forced to join the Sabhas.

3. All sorts of attractions moral and immoral, were put forward to get people to attend those meetings. Refreshments and music were common.



Wrestling matches were arranged for the people. Even drink was provided at some places and *nautch* parties arranged.

4. Villagers were deluded and told that the meeting is "Gandhi-ki-Sabha" and were thus brought into the net.

5. Villagers were told that if they signed the membership forms they would get *taqavi* or some other benefit. People were attracted by the announcement that *taqavi* would be distributed.

6. All kinds of concessions were promised to members *e.g.*, cheap cloth and cheap corn.

7. Pressure was brought to bear on the zamindars to force their tenants to become members.

8. In some courts the presiding magistrates insisted on the parties and witnesses to become members. Indeed the witnesses sometimes became members over and over again.

9. Mukhtars were not allowed to appear in court in some districts unless they became members of the Aman Sabha.

10. Documents were not registered in one district unless the persons applying for registration became members.

11. Gun licenses were easily awarded to members and the licenses of non-members were cancelled.

12. At some places the same person was made to put his thumb impression many times over so as to make it appear that a large number of persons had joined, children's thumb impressions and sometimes the (thumb) impressions of big toes were taken.

13. In one district an ingenious device has been discovered. A certain stamp was so prepared that its mark resembled the thumb impression of a human being. This was put on Aman Sabha forms.

14. Fictitious names were entered.

15. School teachers made their minor school boys members.

28. We have given above some of the methods employed by the Aman Sabha. It is easy to imagine that any number of new devices can be invented by any ingenious person. By means of these devices large membership rolls were prepared or at any rate imposing announcements were made to the public. In Gorakhpur, one of our colleagues, Bahu Raghupati Sahai, approached the Secretary of the Aman Sabha and offered to become a member as he was a great believer in "Aman". There was great consternation in the Aman Sabha camp. Eventually the Secretary confessed that there was no regular membership, and no register.

As a protest against this high-handed and unjust policy of the Government, the response of the people of the province to enrol themselves as volunteers was very encouraging and satisfactory. They opened their offices on public roads and appointed recruiting officers to do the work of enrolling the volunteers. Reports in hand go to show that crowds of persons were seen at these places from early in the morning till late in the evening offering themselves to be enrolled as volunteers. On the average, I find, that each district had enrolled about 3,000 volunteers at the lowest. In some districts the number reached over thirty thousand. The total strength of volunteers in this province was about a lac and a half.

A few hundred ladies had also enrolled themselves as volunteers. The work done by the volunteers was chiefly confined to:

1. the preaching of the gospel of non-violence.
2. openly enrolling volunteers and
3. picketing of liquor and foreign cloth shops.

In some cases the picketing of school was taken up but was stopped under orders of the Provincial Congress Committee

The Government apprehending this and smarting under the irreparable damage to its prestige on account of the Hartal of the 17th November decided on the policy of wholesale and indiscriminate arrest. This began from Lucknow where on the morning of the 6th December 1921 almost all the prominent workers including Ch. Kbalik-uz-zaman and 8 others were arrested. The same day Pandit Motilal Nehru, General Secretary, All India Congress Committee and Vice President, U.P. Provincial Congress Committee and 10 other prominent workers of Allahabad including Syt. Purusottam Das Tandon, Chairman of the Allahabad Municipal Board and Pandit Jawaharlal Nehru, General Secretary U.P. Provincial Congress Committee were arrested.

The repression continued but as the jails were almost full, only the organisers were arrested and the volunteers who practically did the work were left alone.

The number of persons convicted under the Cr. L.A. Act only was about 1900, and about 1100 more under various other political and non-political sections. All these brave soldiers of the non-violent army cheerfully walked into the prison without taking any part in the farcical trials or defending themselves. Like true soldiers they thought themselves prisoners of war and as such they thought it beneath their dignity to appeal for justice or mercy.

Various were the methods adopted by the police to terrify and tease the volunteers such as:—

(1) In some places volunteers going in batches of 10, 20, or 40 were arrested and kept at Kotwah till 9 or 10 in the night and then let off with a warning not to turn up again. Next at places mounted police were requisitioned, and they in order to disperse the volunteers rushed against them and trampled them down. In some places they were taken on motor lorries to a distance of several miles off the town in the cold night of December and were left there to walk to their homes late in the night.

(2) In some places volunteers were assaulted and beaten with lathis, batons and butt-ends of their rifles. The reports of various districts given hereafter will throw much light on this.

In some districts police and mounted soldiers were made to march through the rural areas to terrify the people. Locks of the Congress offices were broken and flags and papers all burnt.

Cultivators who sympathised with the Congress were troubled in various ways. In Almora district people were prosecuted in the garb of the forest law Section 78 for refusing to help in extinguishing the fire. A boy of 15

14. "Persons other than the volunteers were also badly treated, subjected to very humiliating and insulting treatment and even in some cases they were beaten, their only offence being that they had a khaddar Shirt or a Gandhi Cap on"

15. "On the Railway station all the 64 volunteers were pushed into the two compartments of a special train, in which they were made to sit on the floor instead of on the bench. When the train left the station and was moving at a slow speed these volunteers were forced out of the train and the poor volunteers fell on the railway lines and received severe injuries. Only 14 reached Gorakhpur and were put in the jail there."

16. "Ornaments were forcibly removed from the bodies of the women and their honour and modesty was not respected."

### IN SHOHRAT GANJ (DISTRICT BASTI)

The following is the report submitted of the investigations made by Syt. Devadas Gandhi at Shohrat Ganj. The reports supported by a large number of written statements of evidence:—

A serious case of wanton brutality by police on the Congress workers occurred on the 25th April 1922 at Shohrat Ganj in the Basti District where terrorism has replaced repression for the past few weeks.

While the various occurrences may be left to be chronicled in the ordinary course the present event being of special interest is here narrated for public information. There have been some differences for the past few days between Congress workers and the police on the question of the measure of the distance to be maintained by the volunteers while picketing liquor shops.

The workers had refused to comply with an oral order of the Sub-Inspector that a distance of 50 yards should intervene between the picketers and the shops, the idea being impracticable.

The Sub-Inspector of Chilia thana visited the Congress office on the 26th morning with about 30 constables and chaukidars. After some talk of immaterial value he ordered the hut to be pulled down, the thatch was removed by the Sub-Inspector himself, taken to a convenient distance from adjoining houses and set fire to, the Sub-Inspector applying the match.

The contents of the hut consisting of papers, office records, bags of varieties of grain, clothes and two charkbars were removed and thrown into the flames. The workers, volunteers and the awestruck crowd that had gathered passively gazed on in dismay.

This done the constables and chaukidars were let loose on the volunteers who one and all submitted to the beating.

### ATTEMPT TO BURN A WORKER ALIVE

The responsible head, Pandit Parmesbwar Datt, is thereupon said to have cautioned the volunteers not to apologise on any account as some others had done on a previous occasion emphasizing that despite the pro-

vocation the repetition of Chauri Chaura should be avoided at all costs. At this the Sub-Inspector fell upon Pandit Parmeshwar Datt and mereilessly belaboured him. The chaukidars and constables joined with their lathis. The Pandit who has a sturdy physique stood the assault without a murmur.

He exhorted the people some of whom appeared to him to be in a retaliatory mood, not to raise a finger. He was left senseless after the infliction of most serious injuries on all parts of his body.

Two others were similarly treated and one who was believed to be dead was ordered to be thrown into fire. The police actually dragged him towards the fire but left him only when some volunteers intervened and offered themselves for the sacrifice. One of the assaulted succumbed to his injuries the next day. Several others received injuries of a less serious character.

### PERFECT NON-VIOLENCE OF WORKERS

I have been on the spot myself and have investigated the whole incident with Pandit Dasrath Prasad Trivedi who hurried to the spot on bearing of the occurrence. I am satisfied that the facts as stated above are true and based on strong evidence.

The present one is an instance of unprovoked ferocity by the police and willing sacrifice and suffering of the purest character, unparalleled in the history of recent events of the district.

We found the town extremely terror stricken, the wounded who were left half dead passed those days and nights under the shelter of an Asoka tree near the ruins of the Congress office hut and ailing and moaning with nothing to protect them against the hot wind. No medical treatment was afforded and no one from the populace dared to tend them for fear, it would appear, of the zemindars.

The wounded have been brought to Gorakhpur where they are receiving medical treatment.

Shivaraj Narain Saxena,

M.B.B.S.,

Secretary,

U.P. Provincial Congress Committee,

Publicity Department

### *The Leader's Comments on Syt. Devadas Gandhi's Report*

We have received from Mr. Devadas Gandhi a report of a serious case of brutality by the police on Congress workers at Shohrat Ganj in the Basti District. We are informed that there had been some difference between Congress workers and the police on the question of measure of distance to be maintained by the volunteers while picketing liquor shops. The former

had refused to comply with an oral order of the Sub-Inspector of police that a distance of 50 yards should intervene between the pickets and the shops, which, it is said, was impracticable. The Congress office which it appears was located in a hut was visited by the police on the morning of the 25th April and the thatch was removed and set fire to. The contents of the hut were, it is alleged, thrown into the flames. Then, the report goes on to state, the constables and the chaukidars were set on the volunteers who were beaten. The Sub-Inspector of police is charged with having directed the operations. One of the assaulted, we learn, succumbed to his injuries the next day. The wounded were left unattended for three days in the open "with nothing to protect them against hot winds" They have been brought to Gorakhpur where they are receiving medical treatment. This is a bold summary of the facts as stated in the communication of Mr. Devadas Gandbi who states that the facts as stated by him are true and based on strong evidence. The report we are informed was transmitted to us by wire but we never received the same. It is stated that this case "is an instance of unprovoked ferocity by the police" in the district. A prompt and thorough enquiry into the incident by the higher authorities is needed. The case is a too serious one to be overlooked or to be whitewashed. We suggest that the leading local co-operators should inquire into the matter without delay and give publicity to the whole of the facts. If there is police lawlessness in Gorakhpur and Basti Districts as we are informed there is, it should be exposed by those who are well disposed towards the Government and whose testimony must carry greater weight with higher authorities who, we believe, could not have sanctioned any lawless proceedings on the part of the police.

[Sunday, May 7, 1922]

*The Commissioner of Gorakhpur's Letter on the above. The Alleged Beating of Volunteers at Shohrat Ganj.*

(TO THE EDITOR OF THE "LEADER")

SIR,

With reference to an article published in the "Leader" of the 7th instant regarding certain allegations of brutality towards volunteers by the police at Shohrat Ganj in the Basti District, I have the honour to ask you to publish the following statement:—

A local enquiry has been made by a Magistrate into the circumstances of the death of Budhai Chamar and the Magistrate has found that Budhai Chamar died from natural causes.

He has also found that the action of the local police in dispersing the picketers was perfectly justifiable.

He has found that no serious injuries were caused to any one in the necessary dispersal of them.

J.S. STEVENSON

May 8, 1922

Commissioner,  
Gorakhpur Division  
[*The "Leader"*, Friday, May 12, 1922]

*The "Leader" on the Commissioner of Gorakhpur's Letter*

We publish elsewhere a letter of the Commissioner of the Gorakhpur District in connection with the attack by the police on volunteers at Shohrat Ganj in the Basti District, a report of which was sent to us by Mr. Devadas Gandhi and a summary of whose communication was published recently. The Commissioner's letter is very laconic and requires to be supplemented with further details in order to clear doubtful points. For example, was Budhai Chamar, who is reported to have died from natural causes, among those who were beaten and did he die the day following that on which he was beaten. Was his body examined before he was cremated and is any report of such examination in existence? How was the conclusion arrived at that he died from natural causes? Was he suffering from any acute or chronic disease which ended fatally? Is the allegation of the burning down of the hut with all the materials inside it true? The Commissioner's letter is silent on the point. Were the injured left exposed and unattended for three days? By whom were they removed to the hospital in Gorakhpur? If no serious injuries were caused, how was it that they remained lying where they were beaten, supposing that the allegation about it is true? Under what law is the dispersal by force of the picketers sanctioned? Was there an unlawful assembly and if there was, was any declaration made to that effect by a Magistrate present on the spot before force was resorted to? Who was the Magistrate who made the enquiry and where is the text of the report? It should be published so that the public may know what value to attach to it. May we hope that light will be thrown on the points we have mentioned? The brief communication of the Commissioner does not carry the conviction that the action of the police was "perfectly justifiable", that the use of the force was necessary for the dispersal of the volunteers, that no serious injuries were caused to them and that the Chamar died from natural causes.

[Friday, May 12, 1922]

*Note*—No further notice taken by the Government.

## APPENDIX VIII B

### TERRORISM IN SITAPUR DISTRICT

*Report of Enquiry by Pt. Jawaharlal Nehru and Syt. Mohanlal Saksena*

A large number of reports of terrorism and inhuman treatment were received in the office of the Provincial Congress Committee from the district of Sitapur in Oudh early in April. These reports were supported by statements of eyewitnesses. It was stated that villages had been looted, men mercilessly beaten, the honour of women not respected and generally the people had been terrorised over and humiliated in a variety of ways. The wearing of khaddar was considered an offence and in one place at least wearers whoever they might be, were forcibly deprived of their clothing which was burnt, and were beaten. Volunteers of the Congress and panches were specially singled out for this treatment.

Pt. Jawaharlal Nehru, General Secretary of the Provincial Congress Committee and Syt. Mohanlal Saksena, Secretary of the Town Congress Committee, Lucknow, thereupon paid a short visit to the district on behalf of the Provincial Committee in order to investigate the truth of the allegations made by the people. They visited the interior of the district and carried out a preliminary enquiry. Their report is given below.

"We visited the district of Sitapur on behalf of the Provincial Congress Committee on the 11th April. One of us, Jawaharlal Nehru, could only spend one day in the interior of the district; the other, Mohanlal Saksena, remained there for two days. During this short time, however, we succeeded in visiting a considerable number of villages and of satisfying ourselves of the truth of many of the allegations made. We were assisted in our work by the president and some members of the District Congress Committee of Sitapur.

"The greater part of the area we visited is under the Court of Wards and most of the allegations of ill-treatment made were against the employees of the Court of Wards. The police also came in for their share of blame and many complaints were made to us of wholesale hribery and extortion. A column of Sikh troops also marched through the district but we received no complaints of their behaviour. Their conduct was generally approved and appreciated by the villagers and contrasts were made between their attitude and the attitude of the Court of Wards employees and the police—contrast which was very much to the disadvantage of the latter two.

"In some villages we had considerable difficulty in getting the residents to give their statements. The men and women were thoroughly frightened and would not tell us much for fear of the Court of Wards officials and employees and the police. Some men indeed had left their villages and were lurking about in the neighbourhood not daring to return. One man whose statement we possess had been badly beaten and had fled in fear from his village lest worse should befall him. He had left his wife and family nearly a month before and had no news of them since.

"We saw marks of lathi blows on men; and boxes and trunks, which had been forcibly broken open, were produced before us. One of us, Mohanlal Saksena, personally saw the remains of houses and huts which had been burnt down.

"The usual complaint was that a large number of persons varying from 200 to 500 and more would come to a village. These would consist of some Court of Wards employees, a few policemen and probably a number of the hooligans and bad characters of the district. The special manager of the Court of Wards, Mr. Dunne, would sometimes accompany this motley assembly. At first sight of this approaching throng, many villagers would take fright and run away from their huts. Some villages were thus wholly deserted and the dacoits in the crowd had an easy time of it in breaking open boxes and removing such articles as they took a fancy for. Under the circumstances it is not possible to fix upon the actual persons who indulged in this looting. No identification can take place and we cannot fix responsibility.

"In some large villages the villagers stuck to their posts and decided to defend their homes in case of attack. This attitude impressed the dacoits sufficiently and they turned away without any conflict.

"We were told of a number of criminal cases which had been started against volunteers and panches. These cases, it was alleged, had no foundation in fact and the sole offence of the parties concerned was that they were volunteers or leading members of their panchayats.

"We give below a short summary of the occurrences in some of the villages visited by us. The account is by no means exhaustive. It is merely intended to show by some typical examples what occurred on a larger scale in many parts of the district of Sitapur. The list of property stolen or looted is very incomplete. Many of the owners had left their villages and others were far too afraid to give us a detailed statement. We are satisfied from even our short survey that most of the allegations made by the people of Sitapur were based on facts and that the terrorism in parts of the district was of a particularly objectionable kind. The proclamation and application of Martial Law could not have made the conditions prevailing in these villages any worse than they were. A deliberate war has been waged against the Congress and Khilafat movement and special efforts have been made to stamp out the use of khaddar. We cannot say, with the evidence at our disposal, as to who was the originator or director of this attack. It is clear, however, that the bad characters of the district took full advantage of the situation and under cover of fighting non-cooperation indulged in wholesale looting in the confident belief, justified by after events, that the authorities would not interfere or take any action against them.

"We have endeavoured to confine ourselves to such facts as have been ascertained personally by one of us. Our enquiry has been necessarily incomplete and we would respectfully recommend to the Provincial Congress Committee to take steps to complete this enquiry. It has come to our knowledge that even our two days' visit to the affected area has brought some relief to the much harassed and long suffering villagers. In some



cases, it is said that the bribes which had been previously extorted have been returned.

**"Kauraiya.** A village in Katesar Ilaga under the management of the Court of Wards. The special manager accompanied by a large number of persons including policemen, employees of the Court of Wards and others visited this village on the 8th April. The villagers were brought just outside the village where the special manager and the police had stationed themselves. They were told of the many and various ills that would befall them if they did not reform themselves and leave the Congress *etc.* Meanwhile a part of the crowd entered the houses in the village and breaking open locks and boxes carried on looting on a fairly extensive scale. Any person who protested was beaten and some were repeatedly ducked in a pond. A few of the articles stolen were:—

(The list of articles has been omitted from this appendix.)

**"Chuchia,** 2 miles from Kauraiya. Also visited by Mr. Dunne and several hundred men. Looting of houses and general maltreatment of inhabitants. One man who admitted being a volunteer had a *salooka* of *garha* torn from his back and was beaten with a stick. The marks of the beating still visible. People afraid of making statements.

**"Manoopur.** People forcibly collected and told not to form Panchayat and not to become volunteers. The villagers refused to permit outsiders to enter their huts and by their bold attitude saved themselves.

**"Rossipur, (kalan)** Four miles from Labarpur. Visited by employees of the Court of Wards, policemen and others on or about the 1st April. Most villagers fled from the village. Houses looted. Broken boxes produced before us. Ornaments removed from the persons of women. A karinda of the Court of Wards was present at the time of our enquiry and was questioned by us. He admitted that there had been looting in the village. Soon after the looting on the same day, he had been asked by the Sarbarakar to return a few clothes, which had been looted, to their owner, which he did.

Some of the articles stolen were:—

(The list of articles has been omitted from this appendix.)

**"Bijalspur.** We did not visit the village but we took down statements of residents who came to us. The usual motley crowd consisting of Court of Wards employees, policemen and others visited the village. Money was demanded otherwise plunder was threatened. No money was given on the first day. The next day summons under Section 160 of Act V of 1898 were served on some persons. Others were told that summons would come for them also unless they gave money. Various threats were used and eventually money was extorted from many persons.

**"Chusura.** Two of this village had been beaten and deprived of khaddar *salukas* and caps because they were volunteers. Their crops had been cut down and removed by others. They had been threatened with all kinds of penalties if they continued to reside in their village. In consequence they had not gone back to their village for over a month.

*"Brijabasika purva.* A small village of 19 houses. Police and others visited the village on or about the 30th March. On learning of the impending visit, most of the inhabitants had left, the women specially being sent away to another village. General looting and maltreatment of those who had remained. Ornaments removed from the body of a girl. On her father's complaining, he was beaten.

Some of the articles stolen were:—

(List of the articles has been omitted from the appendix.)

*"Kishanpur.* People very terrified. There was no looting as in other villages but volunteers and panches had been compelled to pay money. Some one severely beaten. One person had his ankle and collar bone fractured. Even at the time of our enquiry he could not walk and his collar bone was disjointed.

"A Congress volunteer who had been making collections in a box was also severely beaten and the box with its contents taken away.

*"Mahadeva.* A big village in Hargaoon pergunah. There was no wholesale looting here but money was extorted and people subjected to most humiliating treatment. A special effort was made to produce friction between the Hindus and Mussulmans of the village, and some village people were thus utilised to harass others of the same village. On or about the 3rd April a zaildar accompanied by employees of the Court of Wards and others went to the village.

"One person, the son of a havildar of volunteers was beaten by shoes etc., and then completely stripped and made to go naked into the village. Volunteers were forced to beat each other with shoes and to abuse well known Congress workers and sometimes their own mothers and sisters.

"A father and son, both volunteers were beaten and asked to pay Rs. 25 as a penalty for being volunteers. On their refusal the son was beaten again. The father could not bear this sight and begged the zaildar to spare his son and beat him instead. This request annoyed the zaildar who made the father get on his son's back and remain there. The father and son were let off on paying Rs. 17.

"One woman was ravished. She was told that this was done because her husband was a volunteer. Most of the women had run away from the village and concealed themselves in the wheat fields in order to escape a like fate.

27th April 1922

Jawaharlal Nehru,  
Mohanlal Saksena"

11 Further reports have been received in this office and inquiries personally made by Pt. Harkaran Nath Misra the General Secretary of Provincial Congress Committee.

He has found that similar cases of inhuman treatment in some form or the other by the police and the Court of Wards authorities have occurred in several other places of the district.

Large sums of money have been extorted from the poor cultivators by threatening them to burn their houses and the standing crops and in some

eases this has actually been done.

That clothes and ornaments have been removed from the body of the women and their honour, modesty and chastity has not been respected.

## GOVERNMENT COMMUNIQUE

A lengthy Press Communique denies the highly sensational accounts which appeared in the Press of alleged terrorism and inhuman treatment of non-cooperation villagers in Sitapur district, which are the results of an enquiry by Messrs Jawaharlal Nehru and Mohanlal Saksena. The attention of the local officials has been drawn to the allegations made and the facts have been reported to Government.

It is categorically denied that there has been any terrorism of inhuman treatment by Court of Wards officials or the police. The neighbourhood in question is round Laharpur town, in which the Rani of Katesar, whose estate is under the Court of Wards, resides. Laharpur has been made a centre of non-cooperation activity from Kheri and intimidation has been practised in the adjacent villages for several months. Matters had become so bad in Laharpur that it became necessary to post punitive police there recently.

The course of the non-cooperation campaign in the vicinity is shown by occurrences on various dates in February and March. On the 1st February several hundred hooligans surrounded the Rani's place at Katesar. On the 4th and 5th February many hundreds of hooligans from the neighbourhood of Laharpur and from Kheri made a dead set on the annual Shahpur Mela and endeavoured to break it up. Violence was avoided by a narrow margin through the tact of Mr. Dunne, Court of Wards manager.

In February and March continuous bands of revolutionaries from Laharpur and Bhadewa visited all the villagers, threatening intimidation etc. Laharpur and other Panchayats committed outrageous acts of boycott on those who did not submit to their tyranny. Laharpur and its neighbourhood set up a Deputy Commissioner, a Judge and other so called officials. In March at last the district officials were able to get persons to put in complaints of intimidation, extortion, confinement, etc. Some 60 or 70 were charged in and successfully dealt with.

## VILLAGERS' REVOLT AGAINST TYRANNY

This represents the beginning of the villagers' revolt. On the 5th, 11th and 17th March large bodies of hooligans came to Sbabpur to threaten, and to burn the houses of the headmen in Sbabpur etc. The villagers driven to extremes turned out and fought them on the 18th. This is in Court as a riot case. The non-cooperators got the worst of it, but no Court of Wards official was present or concerned. It was entirely a natural reprisal by villagers.

As regards isolated allegations made in the report emanating from the Congress Committee, no complaint has been made to the Magistracy of

the district. There is no truth whatever in any of them so far as they inculpate either the Court of Wards officials or the Manager. The latter has been for many years in charge of the estates and his care of the villagers and the confidence he commands are well known. Local people, much harassed by the non-cooperators have in some cases taken to reprisals and they spontaneously warned Jawaharlal Nehru that they would not tolerate his interference when he came to make his enquiry.

(From the *Pioneer*,  
of 25th May 1922)

#### NOTE BY PANDIT MOTILAL NEHRU

I visited Laharpur and the adjoining villages accompanied by Pt. Harkaran Nath Misra, Bahu Shamhoo Nath and Thakur Indrasbekher Singh on June 26th 1922, and took the statements of numerous witnesses, who not only entirely corroborated the report of Pandit Jawaharlal Nehru and Bahu Mohanlal Saksena but categorically denied the main allegations made in the Government Communique. What is described as "a dead set on the annual Shahpur Mela" at which it is said "violence was avoided by a narrow margin through the tact of Mr. Dunne Court of Wards Manager" has been stated before me by respectable witnesses present on the spot ("the hooligans from the neighbourhood of Laharpur", of the Government Communique) to be a friendly visit to Mr. Dunne at his special request. It appears that Mr. Dunne was not aware of the number of the guests invited by him, and when about 50 or 60 of them approached his bungalow carrying a Swaraj Flag, Mr. Dunne rushed out to meet them and assured them that he was a friend both of the Hindus and the Mohammedans, having built a temple of Mahadev—(called after his own name "Dunne-deswar Mahadev")—for the former and a mosque for the latter, at the expense of the estate, that he had no evil intentions against them and protested against their coming in such large numbers. On being told that his general invitation was misunderstood he was satisfied and the meeting broke up in good-will on both sides with a lusty cheer of Mahatma Gandhi ki jai, in which Mr. Dunne heartily joined.

The volunteers on marching back were led for some distance by Mr. Dunne himself, who kept up the enthusiasm by carrying a Swaraj Flag, in his own hands and shouting Mahatma Gandhi ki jai at intervals. This is how "violence was avoided by a narrow margin through the tact of Mr. Dunne Court of Wards Manager." The mela was afterwards held as usual and passed off peacefully the volunteers having rendered valuable social service to such of the pilgrims as required it.

It was my intention to invite Mr. Dunne to make a statement, but soon after my arrival at Laharpur, he motored away to Sitapur, probably to see and take orders from Mr. Ireland, the Deputy Commissioner. Late in the evening when we were returning to Sitapur, his car crossed ours about half way.

As regards the warning "spontaneously" given to Pandit Jawaharlal

Nehru by the "local people", none of the numerous witnesses including some Court of Wards men, examined by me was aware of it and it has since been ascertained that Jawaharlal did not receive any.

I have only to add that the official Communique was issued after Pandit Jawaharlal Nehru was clapped into the jail for the second time, and that the public demand for an open inquiry has not been satisfied by the Government.

M.N.

## APPENDIX VIII C

### *Extracts from Report of Repression in the Kanirup District of Assam*

(1) "The house which was rented by the District Congress Committee at Gauhati was taken possession of and occupied by the police for more than three months and when the owner asked the Deputy Commissioner to pay the rent he was told by him that no rent could be paid as the house had 'been used for unlawful purposes and in connection with the commission of an offence.' Among Congress Offices which were pulled down or burnt by the police may be mentioned those at Belsar, Piplihari, Topla, Tambulpur, Kulhati, Kulag, Seshamukh, Beltola, Boko, Chamata, Barkhola, North Gauhati, Khagrihari, Ranghaia, Bhawanipur and Barpeta."

(2) "Two respectable Matwari merchants of Gauhati, Babus Badridas Agarwalla and Gopiram Agarwalla were served with notices under Act 3 of 1864 calling upon them to show cause why they should not be deported. On their showing cause the Deputy Commissioner passed the following order:

'Babu Badridas Agarwalla took a prominent part in the non-cooperation activities a short while ago. As non-cooperation in itself implies opposition to the Government established by law, it is futile to protest that he has not done anything against Government or he does not meddle in politics. As, however, he has been less active lately the present proceedings will be suspended for so long as he is of good behaviour.

'Much the same applies to Babu Gopiram Agarwalla and the same order will serve in his case.

'If however either of these two does any act which renders his deportation desirable the fact that he has large local interests will not save him.

January 20, 1922

Sd/- A. Bentinck  
Deputy Commissioner"

(3) "Syt, Nilkantha Baruah, retired Jailor on pension has been deprived of his pension by order of the Governor-in-Council on the charge of grave misconduct in that he was unable to give an undertaking about the good behaviour of his son."

(4) "On the visit of Pt. M.M. Malaviya and Bahu Rajendra Prasad to Gauhati two boys Umakanta and Moheswar Das while announcing a public meeting for forming an anti-opium league were arrested but afterwards released. "When Babu Rajendra Prasad was going to visit Boko the same two boys were sent there in advance to give information to the people. They were arrested there and their persons searched. They were handcuffed and ropes tied round their waists and they were made to walk from Boko to Gauhati, a distance of 37 miles without any food where they

were released by the Deputy Commissioner."

(5) "Warrants of distress for realising fines have been executed in a most high-handed manner. Property worth several times the fine payable has been attached and sold for a nominal price. Even property belonging to other members of the family (eg. the ornaments belonging to the sister of one Syt. Santiram Lahkar of Ranghia) to which the convicted persons were not or only partly entitled and which were therefore not legally attachable have been attached and sold."

(6) "But worse than attachment, realisation of fine has afforded most convenient pretext to the police for entering houses of residence where even the sanctity and purity of Hindu kitchens and the dignity of the Indian Zana have not been respected."

(7) "Young boys were arrested for selling the "Congress" (a local manuscript paper) and convicted under the Cr. L.A. Act and sentenced to various terms of imprisonment. The order in the case of one Satish Chandra Baruah aged fifteen who was summarily tried runs as follows:—

"The plea of the accused and his examination if any—Guilty, refuses to give it up. Says he was selling the paper 'Congress' to give news of what happens in the villages on political matters. The above evidence and accused's statement leave no doubt of his guilt. Sentenced to 3 months R. I."

"Among other persons similarly punished for selling the "Congress" may be mentioned Pares Chandra Sarmah aged 15 given three months R. I. Kundanlal Das aged 14 given three months R.I."

(8) "Three boys who were distributing some leaflets at Chaigaon 'Hat' were arrested, kept in lock-up and produced the next morning before Mr. Bentinck who ordered ten stripes to be given to each of them. Two constables gave the stripes to two of the boys viz., Mobeswar and Sonaram, but the Deputy Commissioner not being satisfied with the force with which the cane was applied took it himself and gave ten stripes to the third boy named Promoda Chandra Patwari."

(9) "Magistrates in their anxiety to convict volunteers have disregarded all rules of evidence. In one case a person was alleged to be a volunteer because it was shown among other things that he was learning Hjudi which the Magistrate thought was required for propaganda work."

(10) "Umesh Chandra Barbooi, Samarendra Nath Banerjee, Devapal Das and Krishna Kanta Baruah were each sentenced to R. I. for 3 months and a fine of Rs. 50 each in default a further two months R.I. under Section 17 (1) of Cr. L. A. Act by Mr. A. Bentinck. The sentence under law in default of payment of fine could not be more than six weeks"

The report further gives details of the tyrannical methods adopted by one Mr. Pawsy, an Assistant Commissioner, for the realisation of the punitive tax. With the help of the police and the inevitable Gurkhas, he visited some of the villages mentioned in the report, caught hold of the chief

workers in the villages, entered their houses, attached their moveables including cattle, wearing apparel and kitchen utensils, had their hands tied behind their backs, made them stand facing the sun in the day and stripped them naked at night and exposed them in the open for hours during the wintry nights. Severe beating of all and sundry was, of course, the order of the day. People were made to march in handcuffs from the adjoining villages to Mr. Pawsy's Camp, where they were detained without shelter or food and received kicks and hammerings in the bargain. The mother of one, Motiram was insulted in village Pujapura and the plantain garden of another man, Gora was caused to be damaged by elephants. In some cases the grains stored by the villagers were thrown away. To add to the mental agony of the people, the parties of policemen and gurkhas violated the sanctity of the *kirtans-chars* (rooms used for religious purposes) by entering them with their shoes on, which are never allowed inside these rooms.

One case of ill-treatment of a lady was admitted by Mr. Calvert Asst. Supdt. of police who had the person of one Sreejukta Ganeswari Mazumdar the wife of Nanda Mohan Mazumdar searched by a women, her hair and dress were loosened and she was made to raise her arms to show her arm pits. All this was done at a place where many people could see it in the presence of the Sub-Inspector and Mr. Calvert. The reason for this so-called search was that he ordered it to be done to complete the search of the husband. This happened at Barpeta (Dist. Kamrup).



## APPENDIX VIII D

### *Punjab*

We were appointed by the Working Committee of the Punjab Provincial Congress Committee to make an enquiry into the allegations which were made about the police having assaulted Khilafat volunteers in Muzang, Lahore in the month of February 1922.

We recorded the statements of 38 witnesses including a number of persons alleged to be among those who were injured in the assault. It may be mentioned that every witness examined by us was given an oath and was distinctly told to make a true statement without including in any exaggeration and to confine himself to what he had personally seen and heard at the time of the occurrence.

The main story as given by the witnesses is as follows:

The Khilafat office in Muzang made a requisition from the Khilafat office Kashmiri Bazar in the town of Lahore on the 12th of February 1922 for a batch of volunteers for a procession to be taken out in Muzang. A batch of 100 volunteers accordingly started from the city in the evening and went to the Muzang office. After waiting there for a short time a batch of some twenty of them came out under the captaincy of Siraj Dio. This batch passed through the Muzang Bazar shouting "Allah-ho-Akbar." In the course of the procession they were met by a force of some 30 policemen headed by a Mohammedan Sub-Inspector and were told to disperse. The volunteers refused to disperse and were thereupon, surrounded and marched off to the Muzang police station, where their names and parentage were taken down. It was late in the night and the time for *Isha* prayer having arrived the volunteers asked for water to perform ablutions to say their prayers. Water was supplied and the volunteers performed their ablutions and some had actually started saying the prayers when Mr. Gray came in and without waiting for any explanation whatsoever he began to deal blows with his hunting-crop to the volunteers including those who were actually engaged in prayers. At the same time Mr. Gray ordered the police inside the Thana to turn out the volunteers and thereupon the volunteers were assaulted and were pushed out by the police with their lathis. While the first was marched off to the Thana another batch of about the same strength had proceeded to the Thana and was assaulted by the police outside the Thana building and was driven away. The injured volunteers were taken by their comrades to the Khilafat Office Muzang and their injuries were attended to by two medical men. At the time another batch of volunteers out of the same hundred were going out again when they were fallen upon by the police headed by Mr. Gray near the Khilafat Office and were badly beaten. This time some passers-by were also hit and Mr. Gray ordered the shopkeepers to close their shops otherwise they would be looted by his men. In the meantime Mr. K. Santanam, Barrister-at-Law, had been informed and he arrived on the spot after the police had left and with the help of Doctor Karim Bakhsh made a note of the injuries of 26 persons. The note was sent by Mr. K. Santanam to the Khilafat Office the same

night with instructions to the injured volunteers to assemble at the office of the City Congress Committee the next day with the object of having a proper list compiled after a thorough medical examination. This list was made over to Doctor Gopi Chand, M.B.B.S., who examined 14 on the 13th February in the Khilafat Office, Kashmiri Bazar.

It would thus appear that according to the story told by most of the witnesses three assaults were committed by the police, the first one being on some volunteers inside the Thana, second on the volunteers outside the Thana and the third hatch near the Khilafat Office.

The evidence as to the second assault is not very satisfactory, or in any case does not show that anything very serious happened at the time.

The evidence as to the first assault is overwhelming. In matters of detail there are a number of discrepancies which cannot all be explained away on the mere ground of lapse of time but are in many instances due to over zeal and an imperfect regard for the warning against indulgence in exaggeration. However making full allowance for occasional lapses from strict veracity the main facts are fully proved.

The note made by Mr. Santanam on the spot which he has stated was signed by him then and there though prepared in haste, is a most valuable document. It gives the names of 26 persons with the injuries sustained by each. When Mr. Santanam visited them "many of the volunteers were bleeding and their clothes were blood-stained. Some were in a bad way," though Mr. Santanam had no "doubt that the congestion of the room would have had a lot to do with their bad conditions. There were some forty persons in the room which was probably 15' by 15'. The quotation is from Mr. Santanam's statement. The number of persons injured was obviously much larger as Mr. Santanam "did not note down the names and wounds of those who had been only very slightly injured"

"Apart from this", Mr. Santanam goes on to say, "I was informed that about half a dozen men who were seriously injured were sent away." It may be mentioned that Mr. Santanam as he has stated, visited the spot at about midnight as it was at about 11-30 P.M. that two volunteers went and woke him up.

This piece of evidence alone would be sufficient to prove the factum of injuries but there are two other documents also of unquestionable authority which support and supplement this evidence. One is the record of injuries prepared by Dr. Gopi Chand on the following day when 14 of the injured persons appeared before him for medical examination. The other is the statement of a well-known Hindu hanker of Muzang who was an eye witness of the 3rd assault and whose own nephew a boy of 13 years was injured in the confusion. This witness went the next morning to the Khilafat Office and made a statement giving the facts of the 3rd assault.

The nature of the injuries appear from the notes of Mr. Santanam and Dr. Gopi Chand.

The injuries noted by Mr. Santanam are as follows:

1. Bleeding wound on head—big red weals on back—and left thigh huge swelling.

2. Right cheek bone 1" long and  $\frac{1}{2}$ " deep—left shoulder blade high red weal.
3. Right cheek huge swelling—left eyelid gushed—3 wounds on head—on stomach also.
4. Wounded on head,
5. Wounded on head and also back.
6. Left rib below—right hip bone.
7. Left knee blow—left ankle swollen.
8. Left forehead  $\frac{1}{2}$ " long  $\frac{1}{2}$ " deep—swelling head—left wrist and fingers—weals on back of wrist—left hip socket.
9. Left shoulder.
10. Right shoulder injured—Right leg swollen—Left ear.
11. Under left armpit weal.
12. Waist and below hip (over left)
13. Head broken—profuse bleeding and other blows on body.
14. Three wounds on head  $\frac{1}{2}$ " by  $\frac{1}{2}$ " on both elbows and legs and on buttocks.
15. Left elbow—wound next left moustache—Hurt by Gray.
16. Left shoulder.
17. Back.
18. Left calf—right.
19. Left calf.
20. Left wrist badly injured and fingers on neck and on waist.
21. Slight wound on head and on right hip.
22. On back of head.
23. Over left eye.
24. Right jaw swollen and left shoulder.
25. Left Arm.
26. Right forearm.

Mr. Santanam has explained that where there is no description of the injury he meant confusion. The note of Doctor Gopi Chand is much more detailed and gives the injuries as follows:—

1. Corresponding to Mr. Santanam's No. 3.
  - (1) Ecchymosed bruise below right eyelid.
  - (2) A small wound on outer angle of left eyebrow.
  - (3) Small bruises on head and ear.
  - (4) Scratches on back.
  - (5) Ecchymosed bruise on left. There was clotted blood on his face and his clothes were also besmeared with blood.
2. Corresponding to Mr. Santanam's No. 4—Bruise on head
3. Not examined by Mr. Santanam. Bruise on back and head.
4. Corresponding to Mr. Santanam's No. 7—Bruises below left knee outer side over left ankle (outer side).
5. Mr. Santanam's No. 8 same as described in note of Mr. Santanam. Hair torn on edges—edges not turned in kurta and waist besmeared in blood. Bruise on right arm and over right shoulder. Ecchymoses in several places.

7. Not in Mr. Santanam's list. Bruises on head left thumb pit of stomach, right fingers and left knee.

8. Not in Mr. Santanam's list. Bruise on shoulders, right—left foot, left hip.

9. Not in Mr. Santanam's list—Bruise on right scapula.

10. No. 2 in Mr. Santanam's list wound 1" long and  $\frac{1}{2}$ " deep on right cheek bone. Bruise on left scapula.

11. Mr. Santanam's No. 10—Bruise on right shoulder—swelling and Ecchymoses on right leg. Bruise on left ear.

12. Same as No. 12 in Mr. Santanam's list Bruise on wrist, and over left hip.

13. No. 19 in Mr. Santanam's list Bruise on left calf

14. No. 21 in Mr. Santanam's list. Slight wounds on head and on right hip.

These lists speak for themselves and no comments are called for. The next question is who inflicted these injuries. In view of the evidence recorded by us we are not prepared to hold that any of these injuries were self-inflicted and we hold that they were received by these persons at the hands of the police during the various assaults committed on the volunteers on the night of the 12th of February 1922. There is evidence which we cannot disregard that Mr. Gray participated in the assault and used his hunting-crop rather freely during the assault. On that very night when Mr. Santanam made a note of the injuries, he stated in the said note with respect to one of the injured persons, "Hit by Gray". In the course of his statement before us he has deposed that this remark was made by him in the note on the information given at the time by the person against whose name this remark is made. There is an express mention of Mr. Gray's using his hunting-crop also in the statement given by the above mentioned Banker on the day following the night of the occurrence and almost every witness has stated that Mr. Gray was making a free use of the hunting-crop he had in his hand and we have referred to these two items of evidence in particular because they constitute documentary evidence and were recorded at a time when the incident possessed of special importance. We are accordingly constrained to hold that Mr. Gray personally joined in the assault and made an effective use of his hunting-crop.

Witnesses were particularly asked whether any resistance was offered by the volunteers or any members of the public. They all are unanimous on the point that no resistance whatsoever was offered by anyone beyond the refusal to disperse, when the volunteers were asked to do so.

As regards the question whether any volunteers actually engaged in prayers were assaulted, five volunteers have stated that they were struck when they were at prayers. One of them however does not mention Mr. Gray as an actual assailant. The other four do say that they were hit by Mr. Gray but none of them figures on the list of the injured. It seems to be likely that on Mr. Gray's ordering the volunteers to be dispersed the prayers of those actually engaged in Namaz were disturbed and some of them were roughly handled but on the evidence before us we cannot say that blows were actually inflicted on those engaged in prayers by Mr. Gray or his

subordinates, and it is extremely unlikely that any of them was hit by Mr. Gray himself at that time.

(Sd.) Gokal Chand Narang, Bar-at-Law.

(Sd.) M. Abdul Aziz, Bar-at-Law,  
V.P.P.P. Committee, Lahore.

(Sd.) S. Man Singh, Vakil, Member,  
Legislative Assembly.

## APPENDIX VIII E

### GURU-KA-BAGH

*By C.F. Andrews*

#### I

In this communication to the Press, I shall confine myself to what I have seen with my own eyes since my arrival at Amritsar on the morning of September 12.

At 1 P.M. on that day I started for Guru-ka-Bagh and after leaving the main road proceeded along the bank of a canal. There were three tongas in all. When we had gone some distance along the bank of the canal, we saw two Sikhs in black turbans on the opposite bank waving their hands to us and pointing to the sky, where a great bird was circling in its flight towards Amritsar. Immediately all those who were in the tongas got down and eagerly pointed out the bird to me and told me that every day, as soon as the beating at Guru-ka-Bagh began, the golden hawk rose from the Guru's garden and took its flight to Amritsar to tell those who were serving at the Golden temple what was taking place. They asked me if I had seen the bird, and I answered that I had seen in the distance the great bird which they had pointed out, but that I could not say whether it was a Golden hawk or not. They said to me, "*That was the bird. It was the golden hawk. It has gone to tell at the Durbar Sahib about the sufferings of the people.*" There was a light in their faces as they spoke to me which betokened joy. I was especially struck by the look of devotion in the face of a Sikh lady of middle age who accompanied us. I can only describe it by saying that she looked, in her quiet devotion, like a picture of the "Madonna." The whole scene—the intense faith of my companions, the look of reverence in their faces, the solemn awe mingled with joy, moved me very deeply. It was the first event which really gave me the religious atmosphere of all that I was afterwards to experience in the later scenes. It put me in touch with the Akali reform movement in its spiritual aspects as perhaps nothing else could have done.

After leaving the bank of the canal we had to pass across open ground for a long distance which was covered with water in certain places. Our progress was naturally slow in the tongas. We met on the route a band of hundred Akalis in black turbans, who had marched that morning from Amritsar after having taken the vow at the Golden Temple that they would not commit one single act of violence, either by word or deed. I was to see, later on, how faithfully they kept that vow. On subsequent days I had opportunities of witnessing the scene at the Golden Temple itself as they came out with religious joy written on their faces and a tiny wreath of white flowers placed on their black turbans which dedicated them to the sacrifice. I was able to see also, in the city, the crowds of spectators, Hindus, Mussulmans, and those of every religion welcoming and encouraging them, as they marched solemnly and joyfully forward calling upon the name of God as their protector and saviour. There, in the city, they were at the very

beginning of their pilgrimage. Mile after mile of mud-stained, water-logged road lay before them. When I saw them, on this first day of my visit, as they drew near to the end of their march, they were bespattered with mud and dirt and perspiration was streaming from them, but their garlands of white flowers were still encircling their black turbans, they were still uttering with triumphant voices their prayer to God for protection, and the light of religion was still bright upon their faces. There were some who were young lads among them, and a very few old men with grey heads who had insisted on being taken and would not be denied, but the great majority were of military age and it was easy to guess that out of these stalwart bearded men there had been many who had served in the army. I had an opportunity later of getting accurate statistics and it would appear that at least one in three of the Sikhs in these Akali Jathas (as they are called) had been a soldier and had served during the Great War.

We got down from the tongas and went along with them for some distance. I was dressed in my English dress, with a sun helmet on my head, but even before they knew my name they returned my greeting without the slightest trace of bitterness in their faces. There was a halt to drink water and they got to know who I was and came forward. Then one who was serving water with a brass vessel came to me and offered the water to me also to drink. I put my hand forward to receive it, but he said to me, 'Please take the vessel itself' and I took it in my hands and drank from it. The act had a strongly religious aspect to me. It was as if I was sharing in a sacrament of consecration before the suffering was to begin.

At any place where water could be received along the road there were villagers, both men and women, who waited eagerly each day to fulfil this small act of service by giving water to the Akali Jathas. Again, I noticed the extraordinary devotion of the women. Their faces were full of motherly tenderness towards those who were going forward, in the name of their religion, to receive suffering without retaliation.

After very great difficulty and many halts at impossible places we reached Guru-ka-Bagh at last. The first sight that met our gaze was that of eight motor lorries, such as usually carry passengers for hire which were now being used as a substitute for ambulance wagons. When I looked at them I could picture vividly the acute suffering to those who would be carried in them, for more than fourteen miles to the base hospital in the city. Here and there the motors would almost certainly get stuck in the deep mud. The jolting in other places would be difficult to bear even for a man who was quite well. What must it have been to men who were suffering from many contusions and wounds?

There was one act of humanity which might at once have been thought of on the part of the officials, but no one among them seemed to have noticed it or suggested it. The public road along the canal was almost worse, from the point of view of jolting, than the open track beyond. But on the other side of the canal was a private road, kept for officials, along which the motor lorries with the wounded persons might have passed smoothly and quickly. It would have been an inexpressible relief to them on that terrible journey back from Guru-ka-Bagh, if the lorries had been

allowed to use it. But the subordinate Government officials who were approached time after time by the doctors and attendants refused altogether to allow them. I am quite certain that if the higher officials had been approached they would not have refused. But one of the greatest hardships in India at the present time is the tension which exists on both sides, the open gulf which grows day by day wider and wider, the almost complete distrust with which Indians have learnt, by bitter experience, to regard the official world.

My next article will describe the scene which I witnessed at Guru-ka-Bagh itself.

## II

When I reached the Gurdwara itself, I was struck at once by the absence of excitement such as I had expected to find among so great a crowd of people. Close to the entrance there was a reader of the Scriptures, who was holding a very large congregation of worshippers silent as they were seated on the ground before him. In another quarter there were attendants who were preparing the simple evening meal for the Gurdwara guests by grinding the flour between two large stones. There was no sign that the actual beating had just begun and that the sufferers had already endured the shower of blows. But when I asked one of the passers-by, he told me that the beating was now taking place. On hearing this news I at once went forward. There were some hundreds present seated on an open piece of ground watching what was going on in front, their faces strained with agony. I watched their faces first of all, before I turned the corner of a building and reached a spot where I could see the beating itself. There was not a cry raised from the spectators but the lips of very many of them were moving in prayer. It was clear that they had been taught to repeat the name of God and to call on God for deliverance. I can only describe the silence and the worship and the pain upon the faces of these people, who were seated in prayer, as reminding me of the shadow of the Cross. What was happening to them was truly, in some dim way, a crucifixion. The Akalis were undergoing their baptism of fire, and they cried to God for help out of the depth of their agony of spirit.

Up till now I had not seen the suffering itself except as it was reflected in the faces of the spectators. But when I passed beyond a projecting wall and stood face to face with the ultimate moral contest I could understand the strained looks and the lips that silently prayed. It was a sight which I never wish to see again, a sight incredible to an Englishman. There were four Akali Sikhs with their black turbans facing a band of about a dozen police, including two English officers. They had walked slowly up to the line of the police just before I had arrived and they were standing silently in front of them at about a yard's distance. They were perfectly still and did not move further forward. Their hands were placed together in prayer and it was clear that they were praying. Then, without the slightest provocation on their part, an Englishman lunged forward the head of his *lathi* which was bound with brass. He lunged it forward in such a way that his fist



which held the staff struck the Akali Sikh, who was praying, just at the collar bone with great force. It looked the most cowardly blow as I saw it struck and I had the greatest difficulty in keeping myself under control. But before-hand I had determined that I must, on no account, interfere by word or deed, but simply watch; for the vow, which had been taken by the sufferers, must be sacred to me also. Therefore passive silence on my part was imperative, but it is difficult to describe to those who have not seen the sight with their own eyes how difficult such a passive attitude was.

The blow which I saw was sufficient to fell the Akali Sikh and send him to the ground. He rolled over, and slowly got up once more, and faced the same punishment over again. Time after time one of the four who had gone forward was laid prostrate by repeated blows, now from the English officer and now from the police who were under his control. The others were knocked out more quickly. On this and on subsequent occasions the police committed certain acts which were brutal in the extreme. I saw with my own eyes one of these police kick in the stomach a Sikh who stood helplessly before him. It was a blow so foul that I could hardly restrain myself from crying out loud and rushing forward. But later on I was to see another act which was, if anything, even fouler still. For when one of the Akali Sikhs had been hurled to the ground and was lying prostrate, a police sepoy stamped with his foot upon him, using his full weight; the foot struck the prostrate man between the neck and the shoulder. A third blow, almost equally foul, was struck at an Akali when he was standing at the side of his fallen companion. This blow hurled him across the body of the fallen man who was unconscious at the very time when he was being taken up by two ambulance workers. The intention of such a blow was so brutally insolent, that I watched for the Englishman in command, in this case as also in other cases, to rebuke the police sepoy who did the deed, but as far as I could see he did nothing to check or to rebuke his men. I told all these things that I had seen to the Governor and every officer whom I met the next day.

The brutality and inhumanity of the whole scene was indescribably increased by the fact that the men who were hit were praying to God and had already taken a vow that they would remain silent and peaceful in word and deed. The Akali Sikhs who had taken this vow, both at the Golden Temple before starting and also at the shrine of Guru-ka-Bagh, were, as I have already stated, largely from the army. They had served in many campaigns in Flanders, in France, in Mesopotamia and in East Africa. Some of them at the risk of their own safety may have saved the lives of Englishmen who had been wounded. Now they were felled to the ground at the hands of English officials serving in the same Government which they themselves had served. They were obliged to hear the hurt of blows, each one of which was an insult and humiliation, but each blow was turned into a triumph by the spirit with which it was endured.

It was a strangely new experience to these men, to receive blows dealt against them with such force as to fell them to the ground, and yet never to utter a word or strike a blow in return. The vow they had made to God was kept to the letter. I saw no act, no look, of defiance. It was a true martyr-

dom for them as they went forward, a true act of faith, a true deed of devotion to God. They remembered their Gurus how they had suffered, and they rejoiced to add their own sufferings to the treasury of their wonderful faith. The onlookers too, who were Sikhs, were praying with them and praying for them, and the inspiration of their noble religion, with its joy in suffering innocently borne, could alone keep them from rushing forward to retaliate for the wrong which they felt was being done.

There has been something far greater in this event than a mere dispute about land and property. It has gone far beyond the technical questions of legal possession or distraint. A new heroism, learnt through suffering, has arisen in the land. A new lesson in moral warfare has been taught to the world. This fact, in the ultimate issue, is independent of the mere legal question of trespass decided for or against the Akali Sikhs. They believe intensely that their right to cut wood in the garden of the Guru was an immemorial religious right, and this faith of theirs is surely to be counted for righteousness, whatever a defective and obsolete law may determine or fail to determine concerning legality.

One thing I have not mentioned which was significant of all that I have written concerning the spirit of the suffering endured. It was very rarely that I witnessed any Akali Sikh, who went forward to suffer, flinch from a blow when it was struck. Apart from the instinctive and involuntary reaction of the muscles that has the appearance of a slight shrinking back, there was nothing, so far as I can remember, that could be called a deliberate avoidance of the blows struck. The blows were received one by one without resistance and without a sign of fear.

## APPENDIX VIII F

### ODDH JUDL. COMMRS. COURT

#### A NON-COOPERATOR'S SENTENCE SET ASIDE

##### *Section 144 Criminal P. C. Discussed*

LUCKNOW, JUNE 29

Mr. S.R. Daniels, Judicial Commissioner delivered judgment on 28th June in a Criminal Reference made by the Sessions Judge of Rae Bareilly. The facts of the case will appear from the following judgment:—

The question in this revision is as to the legality of an order issued by the District Magistrate of Rae Bareilly under Section 144 of the Criminal Procedure Code. The order is to the effect that no public meetings are to be held in the district without the Magistrate's permission until further orders. The accused Kalka Prasad was convicted under Section 173 I. P. C. for impeding promulgation of this order and was also convicted under Section 188, I. P. C. for disobeying it. The learned Sessions Judge set aside the conviction under Section 188 on appeal and had referred the conviction under Section 173 to this Court in revision as the sentence passed was one from which no appeal lay.

The question is whether the order is one which the District Magistrate was competent to issue. If it was the conviction was good; if not, it is bad. The question is as to the effect of subsection (3) of Section 144, Criminal Procedure Code which runs as follows:—

"An order under this section may be directed to a particular individual, or to the public generally when frequenting or visiting a particular place."

The contention of the learned Government pleader is that this subsection does not limit the right of the Magistrate to issue such an order to the public generally without reference to any particular place. The question has been considered in 2 reported cases by the Allahabad High Court in *Queen Empress versus Jokhu*, 8 All., page 99 and by the Bombay High Court in *Queen Empress versus Lakshmidas Makandas*, 14 Bom., 165. In both these cases the view was taken that an order addressed to the public generally without reference to a particular place does not come within the terms of the Section. I have been referred to one case of this Court *Abdu Ghani versus King Emperor* 18 Oudh Cases, 70. In this judgment there are some observations which support the Government Pleader's contention. The particular observation relied on is that Section 144 (3) has nothing to do with the nature of the order but is one of 4 subsections which refer to the manner of promulgation and to the duration of the order. These observations must be read in connection with the particular facts of that case. The order in that case was restricted to a particular place, namely the city of Ajodhya.

The question at issue was whether it was competent to the Magistrate to forbid the sacrifice of cows in private houses within that area on certain

particular dates. The Court held that the applicants were wrong in seeking to read the concluding words of subsection (3) as they ran, or to the public generally when frequenting or visiting a particular public place."

The case therefore has no bearing on the question now before me. It appears to me that the construction placed on the Section by the High Courts of Allahabad and Bombay is correct. There could be no objection in inserting the words "when frequenting or visiting a particular place" if it was intended that an order addressed to the public generally without any limitation of this kind should be equally valid. Nor can the words be considered applicable to an order extending to the entire district. The power which the District Magistrate sought to exercise in this instance can be taken, and has subsequently been taken by the application to the district of the Prevention of Seditious Meetings Act, but I agree with the learned Sessions Judge that the order was not one which he was competent to issue under Section 144 of the Code of Criminal Procedure. I accept the reference and setting aside the conviction direct the release of the accused.

## APPENDIX VIII G

(Bengal)

*Extract from the Repression Report of Sylhet District*

### KANAIGHAT TRAGEDY

"On the 13th February, 1922, there was a Khilafat meeting at Nebalpur near Kanaighat in the Jainta Parganas.

"As the conveners found it impossible to give an undertaking of the nature demanded, they thought it advisable to stop the meeting and wanted at least half an hour's time to disperse the gathering which by that time numbered from 3 to 4 thousand, but they were allowed only 5 to 7 minutes to clear off, volunteers went out in batches to move the crowd away and it took some time to explain the situation to the large gathering.

"In the meantime, the Commissioner, the Sub-Inspector, the Jamadar and the E. A. C. with the armed police went near the gathering and as the crowd had not dispersed it was pushed back by Mr. Webster riding on a horse. Some among the crowd were knocked down. The crowd lingered on shouting Allah-o-Akbar and Bande Mataram which was thought to be an attitude of defiance and unwillingness to obey the order to disperse. A scuffle then ensued which was followed by a general order for firing with the result that 5 men from among the crowd were killed on the spot and 27 were severely wounded from among whom 2 more subsequently died. A constable named Banka Bihari Deb was found lying on the spot with a severe gun-shot wound from effects of which he died shortly after his removal to the Thana.

"The Moulavi and the leaders tried to pacify the people and to stop them from using any violence by way of retaliation and the meeting was finished in spite of the tragic happenings.

"The younger brother of the deceased Banka, Upendra Ch. Deb filed a complaint to the Additional Deputy Magistrate alleging that his brother was shot by a saheb and prayed for an enquiry into the matter."

### GURKHA OUTRAGE

"On the 9th day of March, 1922, a band of Special Sepoys belonging to Assam Rifles under the command of two European Captains arrived in Sylhet. On the following morning it was noticed that they pitched their camps on the other side of the river. They crossed the river in the morning. They began to crack the umbrellas of the passers-by, order people to stop cycling in the street, deal severe blows with the butt-ends of their rifles. The people were panic stricken.

"Sj. Krishna Sundra Das of Local Congress Committee wrote a letter to the Deputy Commissioner informing him in details the various atrocities perpetrated by the Gurkhas but to no effect.

"The following were among the persons who suffered at the hands of the Gurkhas.

(I) One S. I. and two clerks of the Police office were insulted by the Gurkhas.

(II) The Sepoys compelled one Deputy Magistrate and one Sub-Deputy Magistrate to get down from their respective cycles.

(III) They confined two judicial officers who were subsequently let off.

(IV) S. J. Sudhansu Mohon Dutta, son of Sri Jut Ananda Mohon Dutta, Deputy Inspector of Schools, was seriously assaulted."

### FARIDPUR DISTRICT

"On 5th September 1921, a notice under Section 108 Criminal Procedure Code was served on Dr. Suresh Chandra Banerjee, who was an I. M. S. and resigned service at the call of Motherland, to show cause on 21st September, 1921 why he should not execute bond of Rs. 3,000 with two sureties of Rs. 1,500 each to be of good behaviour for one year. The reason for the issue of the notice was, as alleged by the Magistrate, due to some speeches delivered by him in many places in the district tending to bring hatred or contempt towards the Government established by law in British India. He did not offer sureties and went to jail for one year.

"The arrest of Badshah Meah, a Pir of 60 lacs of Mohammedans, under Section 108 Criminal Procedure Code created a great sensation in the town. He offered no defence and in a heroic and dignified way preferred jail for a year to signing recognizance bond or tendering sureties."

### RUNGPUR DISTRICT

Evidence of Sri Jut Manmotba Nath Sen, Assistant Secretary, Nilphamari Congress Committee:—

"I began work here from 26th November, 1921. I was present at Nilphamari on the day of occurrence. I saw a band of Gurkhas proceeding towards the Hat on 28th December, 1921. I followed them. They stopped near the Hat. I went to the Hat and tried to pacify the people. Suddenly I heard some Gurkhas were beating the people. I immediately hastened to the place and saw the beating. People in the Hat were then very much excited but I pacified them with great difficulty.

"The Gurkhas were threatening the people with bayonet and *Kukries*. People were flying away in all directions out of fear. S. J. Niren Babu was present there. One among the crowd cried out 'Hello, Niren Babu, you are my countryman, still you are inciting the Gurkhas to molest us.' Then the Habildar whispered something to the Gurkhas who were then parading the Hat with fixed bayonets. One oil seller was severely wounded with *Kukries*. Another man was wounded on the head. When the crowd was proceeding towards their respective quarters, the Gurkhas then were firing shots right and left. One shot struck a Bhutia in his chest and another struck me in my foot, (wound was shown). One pregnant woman who was

selling pulse was wounded on her forehead. None died. Afterwards the Gurkhas went towards the Tbaqa. The District Magistrate and S.D.O. came to the Hat for enquiry. The enquiry was held in a Zemindar's Katchery.

(Sd.) MANMOTHA NATH SEN.

Assistant Secretary,

10th July, 1922.

Nilphamari Congress Committee"

### HARI PUR TRAGEDY

"Haripur is a small village within two miles from Gaibandha. Almost all the villagers are poor cultivators. Dispute arose regarding payment of Chowkidari taxes. The villagers paid their taxes when demanded but some of them could not owing to poverty. The circle officer in collusion with some presidents who were regarded as enemies of the N.C.O. movement reported to the S.D.O. that the villagers refused to pay taxes. Accordingly one day in the latter part of night, a Police Inspector with 15 armed Gurkhas surrounded the village. The Inspector and the Sub-Inspectors were a little off from the village. In the morning Police surrounded the house of one Asmat Sheikh who is a very influential and well-to-do man in the village. The inmates of the house were forbidden to leave the house. A brother of Asmat was assaulted for no fault of his own. There was some disorder then and people began to gather in Asmat's house. The armed Gurkhas next came to the place. Asmat told the people who collected in his house not to make *golmal*. The Havildar of the Gurkhas under pretext of mob disorder fired two shots at Asmat who fell down and died instantaneously. Other Gurkhas also fired several shots. Many people came to see Asmat. Two other men were also wounded by gunshot. In the midst of turmoil and disorder two policemen were also severely wounded. Just at this (sic) the Inspector and the Sub-Inspector appeared and ordered the policemen to guard the houses effectively so that none could go out. The masses were very much excited at this horrible outrage. The president of the Local Congress Committee and other local gentlemen requested the people to disperse which they did peacefully. Sometime after the S.D.O. came to the place of occurrence and sent the dead body to the Sadar Station. Next day Magistrate and S.P. came and arrested many persons under pretext of non-payment of taxes. It will not be out of place to mention here that the dead and the wounded persons paid their taxes long ago."

### CHITTAGONG DISTRICT

"On 9th July 1921, a procession of about 3000 people... started... At that time Mr. Strong, District Magistrate accompanied by European and Indian Police officers, 24 Gurkhas and constables met the procession at the Girl's School and asked Mr. Sengupta to direct the procession to disperse. A brief parley followed and Mr. Sengupta was placed under arrest. Swami Dinananda, Kripandas Udashi, Mahim Ch. Das and others were also arrested under Section 23 of the Police Act.

"On 26th July, 1921, Mr. Sengupta was served with a notice under section 144 Criminal Procedure Code prohibiting him from attending public meetings and delivering lectures.

"Several persons including some respectable and influential gentlemen in Chittagong were ordered by the District Magistrate to serve as special constables which they refused to do and gladly embraced jail.

"Next Mr. Sengupta was arrested while he was in the midst of a Saakirtan party in his own house. He was offered bail which he refused and went to jail gladly. His worthy wife Mrs. Nellie Sengupta, a European lady of respectable family, began to lead the volunteers in picketing. It was so successful that dealers in foreign cloth suffered heavy and serious losses. She was served with a notice under section 144 Criminal Procedure Code to which she made a strong and heroic protest.

"Mr. Sengupta, Swami Dinananda, Kripadas Udashi, S. J. Mahim Chandra Das and 13 others were again summoned in the old case mentioned aforesaid under section 151 Indian Penal Code and 82 Police Act. After several hearings they were all sentenced to 3 months rigorous imprisonment on the 20th day of October, 1921, which was a red letter day for Chittagong both in spirit and act.

"Shortly after 8 o'clock an unarmed and peaceful crowd was, in an orderly manner, following the carriage of Mr. Sengupta and others proceeding to Railway Station, report goes that the portico where 1st class passengers generally stop was without any light and a boy named Khagendra Nath Sen was assisting the people with gas light.

"Shortly before the arrival of the carriage this light, as he says, was put out by one European gentleman. Gurkhas whose presence was hitherto concealed, suddenly made their appearance from an ambush and began to assault. People were taken by surprise and were at their wit's end. Gurkhas rushed up and drove the people who were reeling back and looking for places of safety with all possible haste. The casualties were about 50. Amongst the wounded were Benode Lal Ray, Honorary Magistrate, Aparna Charan Kananga, a contractor and other respectable and influential gentlemen.

"A little boy named Saidul Huda aged only 5 years sustained serious injuries on the head. The Gurkhas rushed up with all the roughness they could command and ceased while whistle blew inside."

## BARISAL DISTRICT

"Since the inauguration of the present movement, repressive policy was adopted here first in the month of June 1921 when the District Congress Committee sent out volunteers in every part of the District for propaganda work. The branch committees were being formed throughout the district and volunteers managed them efficiently. The District Magistrate, Mr. Wadel, was very much disturbed in his mind by the movement and tried his best to stamp it out at the outset.

"In the month of September 1921, Babu Benode Kumar Ray Chowdhury Zemindar of Kirtipasa was seriously taken to task by the District Magis-



trate for lending the service of his *gharry* to Mahatma Gandhi when he visited the town and asked him to give up all honorary offices which he gladly did but owing to inadvertence or some other reason he did not resign his post of non-official visitor to jail for which the District Magistrate wrote to the Commissioner for cancelling his honorary post.

"In the month of October, the whole of Pirojpur sub-division was served with a notice under section 144 Criminal Procedure Code prohibiting public meetings and picketing of foreign cloth.

"Proceedings were also drawn up against 50 pleaders of the district court for observing hartal during the Chandpur Coolie Exodus. On Bhola sub-division a notice under section 144 Criminal Procedure Code was served by beat of drum to the effect that none shall be able to lead or arrange a procession with Khadi and Charka for a period of two months. Practically speaking the whole of the District was gagged under section 144 Criminal Procedure Code. Not a single prominent Congress or Khilafat worker and volunteer was saved from the operation of section 144 Criminal Procedure Code.

"Immediately after the Government Notification of November 1921, which declared all national volunteer corps unlawful assemblies, was issued, the authorities were up and doing in arresting the movement totally. The District Congress and Khilafat offices were searched by Police several times and all documents and papers of the offices were taken away. Almost all the sub-divisional and village committees were raided by Police and all papers seized. The Congress and Khilafat officers were very much roughly handled everywhere.

"By the middle of December, 1921, the District Jail was filled to its utmost capacity with political prisoners.

"The Mohammedan prisoners were hampered in every way whilst saying their prayers. Srljut Nogendranath Das Gupta was chained in solitary cell grinding *dal*.

"In the month of July, 1921, four political prisoners viz., (1) Makhul, (2) Ali Ahamad, (3) Rajendra Sen and (4) Girija were given 15 stripes in jail. This news spread like wild fire in the town.

"Sj. Satindra Nath Sen went on hunger strike owing to bad treatment and various other reasons.

"The authorities tried their best to give him food by artificial means but failed. Sj. Satyendra Ch. Mitra, Secretary, B.P.C.C. wired to the jail superintendent for an interview with Satindra Bahu but the Superintendent refused it. His object was to induce Satindra Bahu to take food as Satindra Bahu is his intimate friend. At last Satindra Bahu was prevailed upon by Sj. Motilal Nehru and Dr. P.C. Ray and began to take his food. He had been transferred to Presidency Jail. His old father of 75 applied for an interview with his son at Barisal and at Calcutta but was refused. The old man died by the last week of August 1922."

*Gurkha and Police Cruelties*

In March and April, 1921, a band of armed police and Gurkhas were brought from Darjeeling and were made to patrol the whole of the district with the obvious object of intimidating the public and creating an impression upon them. They did much damage to the property of the poor inhabitants and used unnecessary violence upon the shopkeepers and passers-by according to their own free sweet will. In March last when they were passing by Sonalia, a village under Rajgunj Thana, two peasants while ploughing their fields were severely wounded as they cried *Allah-ho-Akbar*. They were struck with the butt-end of the rifles. A relative of the aforesaid peasants, Mahamad Ismail by name, cried for help whereupon he also received severe wounds. The wound was 1 inch long and  $\frac{1}{2}$  inch deep which bled profusely. He was under medical treatment for a long time. A volunteer, Lalit by name, was seriously dealt with by a policeman while passing by the police barrack with Khaddar for sale.

## DACCA DISTRICT

"A notice was served on 86 leading pleaders and 12 muktars of Munshigunj to work as special constables for a period of 3 weeks, but they seriously protested against this illegal order which was subsequently withdrawn. A placard of Hartal attached to Gandhi cap of a volunteer was forcibly snatched away by the S.D.O. of Munshigunj."

## NOTICE OF S.D.O. MUNSHIGUNJ

"In the month of November, 1921, Deputy Magistrates and Sub-Deputy Collectors were asked to start a campaign against N.C.O. and to lecture on international free trade and cosmopolitan solidarity of nations and the supreme blessing of being dominated by a foreign power specially the English.

"On 23rd January, 1922, a public meeting was advertised by beat of drums to be held in Dacca town at the Coronation Park at 4 P.M. Three drummers were arrested in succession but subsequently released. Inside the Park about a thousand people were assembled and a large crowd was standing outside. A Sub-Inspector and four sergeants were seen loitering with a dozen constables armed with regulation *lathies* on the Buckland Road outside the Park. The Police did not obstruct people entering the Park. The District Magistrate, the S.P. and other officers accompanied by about 50 constables armed with regulation *lathies* marched in before the election of the President, Sj. Monoranjan Bhattacharyya. As the President rose to speak, the Magistrate told him to disperse the meeting. On his refusal he was arrested by the Magistrate himself, then Munshi Kitab Ali stepped forward and was arrested, then Sreeman Haripada Chatterjee stood up to address the meeting, he was pushed and kicked down. Rajendra Roy attempted to speak and was forthwith arrested. One sergeant kicked Dr. Upendra Chandra Bhattacharyya in his face and he was dragged outside with his nose bleeding. Many boys between 8 to 14 years were

"On 6th December, 1921 Srijut Chiraranjan Das was arrested along with 25 volunteers in his batch. He was put up in the lock-up and severely assaulted by a Sergeant. The above fact was corroborated by an eyewitness who was his co-prisoner. He states as follows: 'I was arrested on 6th December, 1921 with Chiraranjan Das and was put up in the same lock-up and I was an eyewitness of the severe beating to which he was subjected. Sergeants gave him severe blows on the cheek and head and kicked with boots. He sat motionless and bore them with a calm and patient attitude. Volunteers who opposed such severe maltreatment were also served some blows. I have been released to-day unconditionally.'

(Sd.) Hemanta Kumar Sen

27th December, 1921

Central Congress Volunteer"

"On 8th December, 1921 three Sikh ladies (1) Sreejukta Sarala Debi (2) Guru Debi (3) Chitrakar Debi were arrested while asking people to wear Khaddar and observe Hartal on 24th December, 1921 but subsequently let off unconditionally.

"On 7th December, 1921 Sreejuktas Basanti Debi, wife of Deshabandhu Das, Urmila Debi, sister of Deshabandhu and Suniti Debi of Nari Karma Mandir were arrested while hawking Khaddar in Barrabazar. They were taken to Alipur Jail but were subsequently released unconditionally.

"On 9th December, 1921 there was a parade of Machine Guns, in the streets in order to create an impression on the minds of the people. Congress office was surrounded by European soldiers and a search was made. Strong detachment of police was posted before B.P.C.C. office. One hundred and sixty volunteers were arrested on the day. Most of them were mercilessly beaten by European Sergeants. Civil guards under pretext of dispersing crowd made free use of their batons. Some volunteers of very tender age varying from 8 to 12 were arrested in Alipore Court for shouting "Bande Mataram". At Lal Bazar some Sikh volunteers were deprived of their *Kirpan*, the wearing of which is a part of religious duty. Serious unrest among police continued.

"Srijut Sundhir Kumar Chowdhury and Hemanta Chatterjee, Assistant Editors of "Modern Review" were arrested because they had put on Khadi Dhoties and Shirts. They were subsequently released unconditionally.

"On 10th December, 1921 Deshabandhu Das, B.N. Sasmal, Bar-at-law Secretary B.P.C.C and other prominent leaders were arrested. Srijut Das was taken to Lal Bazar. He enquired about the warrant at the time of his arrest but the police officer said that there was a warrant but it was at the Lal Bazar Police Office. No warrant was shown to him at Lal Bazar. From there he was taken to the Presidency Jail. He was arrested under no warrant from a Magistrate, but on suspicion under Section 54 Criminal Procedure Code of having committed an offence under Section 17 (2) of the Criminal Law Amendment Act. He was put in a cell during the whole period of his trial. His case was put off from date to date without any reasonable ground. On 14th February, 1922 he was convicted and sentenced to 6 months S.I.

very roughly handled and thrown over the enclosure. Then all the European officials and the constables began to deal at the people severe blows with *lathies* and kicks with their bunts.

"Then all the constables under orders formed into a line and began to march over the audience who were till then sitting and some of whom were lying on the ground quietly. Under this trampling also the audience maintained a non-violent attitude. Serious bleeding wounds and fractures were caused to many persons, some of them were lying unconscious. People who were standing outside the enclosure were pelted with brickbats by the Police to scare them away. At last when with all their efforts the meeting could not be dispersed, the Magistrate with his retinue retired at 5.30 P.M. The wounded and the unconscious were picked up and removed by their relatives and volunteers. The number of the wounded was about 50 and their ages varied from 8 to 60.

"One volunteer named D.C. Bhattacharyya was met by a Sergeant on the Banagram Road who slapped him on his cheek and snatched away his khaddar and badge. Three other volunteers were also similarly treated while they were peacefully picketing liquor and foreign cloth shops. Political prisoners in Dacca Jail were very much roughly dealt with, complaint of bad diet heavy work imposed upon prisoners of tender age.

The political prisoners were being treated like ordinary criminals."

## CALCUTTA

"Repressive measure was first taken against Bengal's Priest, Sriji C.R. Das on the 2nd day of March, 1921. As soon as he landed at Mymensingh, the Sadar S.D.O. served him with a notice under Section 144 Criminal Procedure Code directing him to abstain from entering the town. Grounds of the order were mentioned as (1) Public tranquility was likely to be disturbed by unauthorised procession (2) likelihood of the breach of peace by asking students to withdraw from appearing in Matriculation Examination which was being held there. Sriji Das was so very mortally wounded that he exclaimed with a sigh:—"We are so many helots in the country. Life is unbearable without Swaraj".

"One or two days previous to *Hartal* a crowded meeting was held in the Maidan at the gate of the Ochterlony Monument to discuss the present duties of the police at this present juncture, 5,000 people attended, 500 being policemen. The policemen unanimously decided not to serve Government. Many resignations were tendered but not accepted. On 17th November, 1921, a volunteer was assaulted by a European Sergeant No. 74 while he was driving in a car of Mr. G.N. Roy, District Judge of Rajshahi for conveying him to his house in Hazra Street. The car in question was commandeered "On H.M.S." He was subsequently arrested.

"Other volunteers belonging to the South Calcutta Congress Committee were also assaulted. Their names are Ramesh Ch. Dey and Matilal.

"On 1st December, 1921 Sriji Das enlisted himself as a volunteer and requested his countrymen to enlist with a message to his co-workers to continue the Congress work peacefully.

"On 9th January, 1922, a procession was formed composed of several volunteers including the following ladies:—

(1) Sreemati Sumatibala Mitra wife of Dr. Anukul Ch. Mitra, 104, Upper Circular Road,

(2) Sreemati Hemaprobha Mazumdar wife of Sriji Basanta Kumar Mazumdar of Comilla,

(3) Sreemati Bagala Som wife of Sriji Kamunikumar Som of Mymensingh,

(4) Uma Devi and Sati Devi of Nari Karma Mandir and others left Wellington Square (the Office of B. P. C. C.) in a procession singing national songs. When they came at the junction of College St. and Mechuaahazar Street, they were asked to return to their homes by a European Sergeant. Later on other Indian police officers did the same but the volunteers refused to abandon their work. Meanwhile the Police Sergeant perhaps after receiving orders from his superiors, arrested the lady volunteers who were taken to Barotolla Thana. At the Thana a European Deputy Commissioner was in charge. A number of Gurkhas with guns pointed were posted in a motor lorry immediately in front of the Thana. The Congress workers immediately hastened to the place after receiving the news of the arrest of the ladies. About an hour after the arrival of the Congress leaders the authorities signified their intention of releasing the ladies only, but as soon as the ladies came to know of this they refused to come out unless the boy volunteers who had accompanied them were also released. The Deputy Commissioner agreed to this and the whole party returned to the B.P.C.C. office.

"This infuriated the civil guard so much that he whipped out a revolver and began to point it at the men who were by his side, Assistant Commissioner of Police, searched the person of the civil guard and a loaded revolver with some cartridges was found. He was not arrested but the matter was simply referred to the Commissioner of Police. The above fact was proved by several constables and pleaders of Police Court.

A middle aged Bengalee lady was assaulted with a lathi by a high police officer in such a brutally violent fashion that she dropped down unconscious on the spot and was conveyed immediately after by the volunteers in a motor car to the Sambhu Nath Pandit Hospital.

"The wound was shaved clean by the attending Surgeon and the wound itself was covered with a lint piece from which blood was oozing out.

Her name was Hem Nalini Ghose of Gabha (District Barisal) and lived in Kalighat. She complained of great pain in her head and was unable to speak further. The lady looked to be about 45 years old.

A passer-by was severely struck on the head by a European Sergeant in front of Y.M.C.A. building, he received a gaping wound which bled profusely.

Bahu Nagendra Nath Paul of 11/5/ Ram Krishna Das Lane was injured in his leg and when he fell down, was kicked on the chest by a Sergeant. For a time his condition was serious. While trying to protect a

"On 14th December 1921 ten thousand Dock Coolies went on strike consequent upon the removal of Gandhi Cap from a coolie. They sent an intimation to the Governor that they would resume their work on three conditions.

"Not a single day passed without any assault by Sergeants and European civil guards. Gandhi Caps and *Pagrees* whenever and wherever found were being taken away. A student volunteer, Arad Bodha by name, was arrested by two Sergeants and was assaulted severely with batons. Oriya volunteers were also assaulted by Sergeants. Rup Chand Kothari, volunteer and a businessman was robbed of his *Pagree* by a Sergeant. On 22nd December, 1921, volunteers were sent to picket foreign cloth shops and hawk Khaddar, 270 were arrested.

"About 343 political prisoners including some Khilafat leaders had been lodged in a godown at the Kidderpore Docks. The place was unfit for human habitation and the prisoners were not at all well treated. The food supplied to them was not only insufficient but some of it was more or less stale. There were many among the prisoners who had not taken any thing during 36 or 40 hours.

"There prisoners were asked to make arrangements to cook their own food but practically there was no arrangement for cooking. They suffered all sorts of hardships there.

"Rai Radha Charan Pal Bahadur M.L.C. and non-official visitor of Jails in Calcutta wrote to Mr. Abdur Rahim, Minister to Bengal Government in charge of Jails, embodying his personal observations which among others contained the following:—

- (a) The Hospital arrangement in Kidderpore Dock Jail is very unsatisfactory. Patients are laid on the floor in ill-ventilated rooms.
- (b) There were serious complaints by the prisoners that they had been practically without any food for 3 or 4 days. Their famished looks confirmed the statement.
- (c) Drinking water was insufficient. If they wanted to drink water at night, they could not do so as they were forbidden to leave their room.
- (d) About 1500 persons were lodged in a big godown which was in a most insanitary condition. The floor emitted bad smell.
- (e) The latrine arrangement is far from satisfactory. If any one was to answer the call of nature, he was not allowed to do so.
- (f) Conservancy arrangement was very defective.
- (g) Prisoners were supplied with one blanket each.

On 24th December, 1921, Dharendra Nath Karmakar, a goldsmith was severely wounded by a civil guard. A beggar was also similarly treated. On 25th December, 1921, two civil guards followed by a number of soldiers fired on a number of pedestrians. One was done to death. Several persons were also assaulted.

snatched off from her hand. She proceeded whereupon the Inspector blew his whistle and the police rushed on the people and tried to disperse the meeting forcibly. In all 17 arrests were made, six being Sikhs from one of whom the *Kirpan* was taken away. Among the assaulted are the following:—

1. Sh. Mazhar—(40/1 Kasaripara Road) severely bit on the neck.
2. Prankrishna Banerjee (134A, Telipara Road), rendered unconscious and returned to the Hospital.
3. Nur Mohammad—(swelling of the Knee joint by *lathi* blow).
4. Ramapada Chatterjee lacerated cranial wound at the junction of parietal bones. It is pointed  $\frac{1}{2}$ " towards the tail and rest lacerated severly. It is 3" in length by  $\frac{1}{3}$ " in breadth by  $\frac{1}{4}$ " in depth.
5. Mohammad Ajar—(50 years) *lathi* blow in the left wrist.
6. Phanindra Bhusan Dasgupta (17 years) *lathi* blow on the waist and the back.
7. Salamat (45 years) contused wound in the left. Frontal measure, 1" by  $\frac{1}{8}$ " by  $\frac{1}{4}$ " deep. Swelling of the knee joint by the *lathi* blow,
8. Haripada Rakhit (17 years) lacerated wound on the right eye brow; by stone throwing eye congested measure, 1" by  $\frac{1}{3}$ " by  $\frac{1}{4}$ " deep.
9. Nisbi Kanta Das. Swelling on the right deltoid and left cheek by *lathi* blow".
10. Qadir, *Lathi* blow on the left wrist."

young boy from the assault of a Sergeant, Mrs. Majumdar received a blow from a *lathi* on her left wrist. For some time she suffered great pain in her left wrist and passed several sleepless nights.

"In trying to disperse the meeting, Mr. Kidd used his *lathies* right and left, he even flung it at some and was seen to pick it up. He was rushing at assembled people in different directions and using his fists and stick freely

"On the 7th February at about 4 P.M. several ladies accompanied by male volunteers led a procession. On the way they came across Inspector Hem Lahiri followed by another police officer.

The ladies continued their processions surrounded by the police forming a ring round them. At first there was no molestation. When they had made some progress Mr. Kidd with several European Sergeants arrived at the scene. At an order from him the police now stopped the ladies from proceeding any further. A large crowd assembled on this spot. The police began to use their *lathies* indiscriminately and the most innocent passers-by were victimised. The ladies asked whether they were under arrest? The Inspector said they were not. Then suddenly Mr. Kidd came near them and began to push the Indian constables, some of whom stumbled against the ladies who consequently fell upon the ground, and were wounded. Mr. Kidd himself came up to Mrs. Majumdar and got hold of her wounded arm. Thereafter the ladies were put into the motor cars and were told that they were being taken to Lal Bazar. The drivers on a secret understanding took them to the Race Course where they waited for the officers to arrive and do the needful. But no officer turned up. Then 4 went to Lal Bazar and 2 to the Outram Road, to look for the officers who however had disappeared from the scene. Shortly after several distinguished ladies arrived on the spot. Messrs N C. Sen and Bose also arrived on the scene. On an interview with Mr. Bird they learnt that there was no definite orders against the ladies and that they were not under arrest. The ladies were then sent home.

The following persons are only a few of the victims of the police *lathies*:—

(1) Bahu Nagendra Nath Ghosh, teacher Kalighat H.E. School, got *lathi* wound on his head, bleeding profusely. He was taken to Dr. S.N. Chowdhary who attended him.

(2) A coolie was struck so severely on the head that he had to be removed to Ghosh and Dutt's Pharmacy, for some time his condition was precarious.

(3) S.J. Laht Mohan Das son of Dr. N.N. Das was struck on the head, the injury was serious.

(4) Ram Charan, 122 Monoharpur Road, swelling on left arm.

(5) Dwarka Halui of Chetla Hat, baton on the right parietal. They were examined by Dr. J.M. Das Gupta.

"But when Mr. Kidd and a Sergeant arrived, the Inspector arrested 11 speakers one after another. When a lady rose to speak the papers were



"The following instance, which is quoted from a Jullundur Report is equally clear and explicit."

"On the second day of the sale the Deputy Commissioner himself led the assaults, the range whereof extended over hundreds of yards from the court compound. Respectable persons were roughly handled and even thrown into the sewage drain. The Deputy Commissioner himself threw Sirdar Hari Singh, the Secretary of the local Congress Committee, into the drain and pushed his head into the sewage."

"On the 25th April, 1922, the Danda Police made gratuitous assaults on the public in the court compound at Gujranwala. The local Bar Association passed a resolution "placing on record the indignant protest against the indiscriminate and vindictive use of lathis by the Danda Police under the orders of the police officers against peaceful citizens present in the court compound."

"The Hoshiarpur Bar Association also had to submit a strong representation to the High Court, Lahore, about a similar incident which occurred in the court compound there when also big European officers took the lead in assaulting the peaceful public who had come for their ordinary business. They said:

"The 25th April last witnessed an assault on the public in the court compound by the police officials and constables when they were there to attend to their court business and the result was that 22 men received injuries and were certified and treated by doctors for the same."

"An almost exactly similar assault took place in the compound of the Lyallpur Court. The European officers leading the attack plied their canes so mercilessly, that at least one of them was broken to pieces and several persons were badly injured."

"The assault on a peaceful meeting at Rawalpindi has one or two features which are absent from the cases which have been quoted above. Here the novelty of mounted police riding through the crowded meeting was added for the first time though similar things have happened elsewhere also. The report says:

"Maulvi Abdul Aziz was making a speech in a big public meeting attended by nearly ten or fifteen thousand persons. There was no Seditious Meetings Act. The people were calmly and quietly sitting and listening to the lecture. At this moment, some officials appeared on the scene with an extraordinarily large police force, armed with lathis, some of whom without any warning or order to disperse, proceeded straightaway to beat the people and ride through the crowd while an inspector walked up straight to the dais, and caught hold of Maulvi Abdul Aziz by the garlands round his neck. All this was entirely uncalled for and could only result in provoking the people to some foolish act, which would give the officials an opportunity for taking strong and severe action. Be it said to the credit of the people, that in spite of the provocations everybody was quite calm and self-restrained."

"In another case at Amritsar, the volunteers were being so brutally beaten by a European police officer and his men that a Sikh lady could not bear the sight. She rushed forward and took under the protection of

## APPENDIX VIII H

### *Extracts from the Punjab Repression Report*

"The first period of repression ended about the time H.R.H. the Prince of Wales left the shores of India. Soon after, however, a most intensive form of repression was started by Government all over the Province and specially in 17 or 18 selected Districts. This latter period of repression assumed forms and was characterised by methods, measures, and activities which have made people recall the bitter memories of the Martial Law days."

"One report says that on the 2nd April 1922, the village Harkhowal (in the Hoshiarpur district) was raided at about 2 a. m. The villagers, not knowing who the men were, raised the alarm "thief".

"The police could not be expected to relish this and the "throat of . . . was tied with an iron chain. He was dragged along the ground. His long hair and beard were torn and his nose began to bleed." Another report says:—"On the 2nd April 1922, the police made a raid on the Kanoti village. The police gave a severe beating to Bhai . . . Akali, and pulled his long hair and beard. His friends too were severely beaten." The raid on the house of Sodhi Moti Singh . . . of Anandpur on the 16th April 1922, has been largely commented upon in the press. It is stated that the police entered his house while he was away from home. His wife and children were forced to vacate the house. The lady was then in the family way and gave birth to a son only six days later. It is but fair to mention that the report has been contradicted by Government. The Shromani Committee, however, insist upon an impartial enquiry, saying that they possess very good evidence, including documentary, supporting their original statement."

"Not content with arresting members of village pauchayats wholesale and convicting most of them on frivolous evidence on charges of dacoities, thefts, extortion and other serious offences, the Government has, on the basis of these very charges, ordered the imposition of Punitive Police on more than 75 villages in the Punjab. It is believed that this is a much larger number than the number of villages on which Punitive Police was imposed in 1919.

"Of late, a novel method of preventing meetings from being held without the application of Section 144 Criminal Procedure Code or any other law, has been adopted in certain parts of the Province. This is the method of "segregation".

"An illustration of segregation may be taken from a more advanced or civilized part of the Punjab. Isrhoo is a small village in the Ludhiana district. Early in June, it was arranged to hold a Diwan (religious congregation) there. But two days before the date of meeting, all those who were collecting provisions or otherwise taking part in making the necessary arrangements were arrested without warrants or any other inconvenient formalities, and more than 150 policemen were all round the village to keep off people from the surrounding villages."

"At Narwana (Sialkot) all the Akalis in charge of the Gurdwara were arrested except a boy named Shamsher Singh. The constables with shoes on entered the room where the Granth Sahib was kept. A constable sent "Hukka" smoke into the "Kesh" (long hair) of the boy Shamsher Singh."

"The Nishan Sahib (Sikh religious flag) at Nawna Gurdwara was taken down under the orders of the police and shoe beaten. Water was then made over it and in this urine-soaked condition it was placed inside the Gurdwara."

"Some two or three thousand visitors from the neighbouring villages had assembled in a grove about half a mile from the village to attend the Diwan which was announced for the 11th, 12th, and 13th; but the police having intervened, as stated before us, cut them off entirely from the village and they had to starve for the whole day as the police did not allow them to go to the village to take their meal nor the villagers to take any food to the visitors."

"The villagers, it was further stated, were not allowed to give water or fodder to their cattle and were not even allowed to take water from the wells for their own use. A party from a neighbouring village had come to Ghawind in connection with the ceremony of the daughter of a resident of this village, but they had all to go without food for the whole day and were confined in the village along with the villagers themselves; and although the bride was to depart on that day, the departure had to be postponed on account of the police siege, and they could only leave at about dark when the siege was removed."

"A Sikh prisoner in Ludhiana Jail was reciting from Punj Granthi. The Jailor snatched away the book from him and tore it up. The Sikh protested. "If you had broken my head I would not have minded it so much, but this insult to my sacred Gurbani is worse than death to me." The Jailor looked angry and calling the Lambardars and Policemen he got them on to beat him. At this time the jailor uttered foul and sacrilegious words, about Gurbani. Seeing this other prisoners felt indignant at the prisoners being beaten and happened to cry out "stop him". The jailor with the Lambardars and Policemen ran towards the gate and rang the fire alarm. Soon after he began to fire and several prisoners were wounded. The Government, has published its own version. But the public is not satisfied with it and a public independent enquiry is demanded."

"Similarly one Abdul Karim of Ludhiana who was in the Amhala Jail was once reading Koran in his room No. 5. He was made to stand up by Majha by pulling up his moustaches (from the statement of Kasa Singh Ludhiana)."

"Syed Atta-Ulla Shah, Non-cooperating Bar-at-Law, Jullundur, in his Report on the police excesses at Raikot (Ludhiana) says:—

"It pains me very much to record here that an old woman of ninety received blows for saluting Manvi Fazal. I found her right hand swollen. A boy of five received a similar treatment. His forehead bears marks of injuries. A deaf and dumb man was also beaten severely."

her own body two young men who were lying helplessly on the ground and received the beating on her own back."

"At Lahore, on one occasion, outside the District Courts, the whole scene was watched for about two hours by the Deputy Commissioner and the Superintendent of Police, while four other European police officers, assisted by about a dozen Indian policemen with their petty officers, did the beating in the manner described above.

"In a great many places searches with insult of women took place. For example, the President of the Congress Committee supported by the Secretary speaking about village Roorke (District Hoshiarpur) states:—"The armed police loitered about (in) the streets using filthy language, teasing the purdah ladies and frightening the young boys and girls."

"Sardar Ganda Singh and two others of village Amhali (Hoshiarpur District) state:—

"On the 30th March, 1922 about 50 armed police suddenly visited the village and began to roam about in the streets and began to frighten the women and children.

"They especially turned the womenfolk of the Akali Sikhs forcibly out of their houses and searched the houses. They called those ladies by foul names such as kuties (bitches) luchies (bad characters) and asked them to warn their husbands and other relatives against taking part in the movement; otherwise their property be confiscated and they would be put to a lot of trouble. To be brief they insulted the purdah ladies by uncovering their faces and using filthy language."

"Giani Ram Singh of Hoshiarpur states:—

"The police roamed about in the lanes and entered the houses without permission.....Sikh women were made to remain sitting outside their door. Foul words were said to respectable women who gave them this dignified reply:—"We are ordered by the community to stick to peace, therefore, hear! you cruel men, you might say anything you like, we will hear all these disgraces."

The Lamhardar of the village reports:—

"At Dhakowal (Hoshiarpur) on the 2nd April, 1922, some 20 constables were deputed to bring all the womenfolk and children. The women and children were brought to the camp by the free use of cane sticks."

"Fakir Arain and two other Mussulmans of Ghura, District Hoshiarpur deposed:—

"Many times the little boys have been beaten, and if any Sikh lady is found in the way, she is forcibly detained, her face is unveiled and she is insulted and abused in foul language."

"In a Panchayat case, which came up before a magistrate at Kusur on the 28th March, 1922, the Superintendent of Police in the course of his evidence stated:—

"I do not remember having pulled.....Sarharah Lamhardar's beard. I pulled one man's beard who refused to move in order to get him move. I do not know that to touch a Sikh's beard is a sacrilege. I struck one or two who refused to move with a cane."

"At Narwana (Sialkot) all the Akalis in charge of the Gurdwara were arrested except a boy named Shamsber Singh. The constables with shoes on entered the room where the Granth Sahib was kept. A constable sent "Hukka" smoke into the "Kesh" (long hair) of the boy Shamsber Singh."

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"A Sikh prisoner in Ludhiana Jail was reciting from Punj Granthi. The Jailor snatched away the book from him and tore it up. The Sikh protested. "If you had broken my head I would not have minded it so much, but this insult to my sacred Gurbani is worse than death to me." The Jailor looked angry and calling the Lamhardars and Policemen he got them on to beat him. At this time the jailor uttered foul and sacrilegious words, about Gurbani. Seeing this other prisoners felt indignant at the prisoners being beaten and happened to cry out "stop him". The jailor with the Lamhardars and Policemen ran towards the gate and rang the fire alarm. Soon after he began to fire and several prisoners were wounded. The Government, has published its own version. But the public is not satisfied with it and a public independent enquiry is demanded."

"Similarly one Abdul Karim of Ludhiana who was in the Ambala Jail was once reading Koran in his room No. 5. He was made to stand up by Majha by pulling up his moustaches (from the statement of Kasa Singh Ludhiana)."

"Syed Atta-Ulla Shab, Non-cooperating Bar-at-Law, Jullundur, in his Report on the police excesses at Raikot (Ludhiana) says:—

"It pains me very much to record here that an old woman of ninety received blows for salaming Manvi Fazal. I found her right hand swollen. A boy of five received a similar treatment. His forehead bears marks of injuries. A deaf and dumb man was also beaten severely."

"On the 3rd day a meeting called by the co-operating citizens of Jullundur was prohibited and forcibly dispersed and there was a great display of the Military and the Police in the bazars. The Rate-Payers Association on behalf of the citizens of Jullundur telegraphed a brief account of these occurrences to the Punjab Government. Sir John Maynard came down and so gross were the atrocities committed by the District Officials that, Sir John Maynard found it hard to swallow them and had to recommend General Buck's transfer. The local Indian Christians, the Municipality and the Bar-Association passed resolutions condemning these excesses". The name of a particular individual of great responsibility has been mentioned, who was caught hold of by the hair of his head by the Deputy Commissioner himself. He was thrown into the drain and his hair thrust into the dirty water. The gentleman was a Sikh and occupied an important position in the local Congress Committee."

"Protests by Bar-Associations:—So great was the feeling of anxiety and unrest created by the extremely repressive policy of the Government and so loud and widespread were the complaints which reached the public from all quarters that about the 20th April last, 51 leading members of the Lahore High Court Bar considered it necessary to send a "Note of warning" to Government by issuing the following manifesto:—

"A great many of the Bar-Association in the Mofassil also passed resolutions condemning the official excesses in their respective Districts."

## APPENDIX IX A

### *Calcutta Special Congress Resolution September 20, 1920*

In view of the fact that on the Khilafat question both the Indian and Imperial Governments have signally failed in their duty towards the Mussulmans of India, and the Prime Minister has deliberately broken his pledged word given to them and that it is the duty of every non-Moslem Indian in every legitimate manner to assist his Mussulman brother in his attempt to remove the religious calamity that has overtaken him.

And in view of the fact that in the matter of the events of April 1919 both the said Governments have grossly neglected or failed to protect the innocent people of the Punjab and punish officers guilty of unsoldierly and barbarous behaviour towards them and have exonerated Sir Michael O'Dwyer who proved himself directly or indirectly responsible for most of the official crimes and callous to the sufferings of the people placed under his administration and that the Debate in the House of Commons and specially in the House of Lords betrayed a woeful lack of sympathy with the people of India and showed virtual support of the systematic terrorism and frightfulness adopted in the Punjab and that the latest Viceregal pronouncement is proof of an entire absence of repentance in the matters of the Khilafat and the Punjab.

This Congress is of opinion that there can be no contentment in India without the redress of the two aforementioned wrongs and that the only effectual means to vindicate national honour and to prevent a repetition of similar wrongs in future is the establishment of Swarajya. This Congress is further of opinion that there is no course left open for the people of India but to approve of and adopt the policy of progressive non-violent non-cooperation inaugurated by Mr. Gandhi until the said wrongs are righted and Swarajya is established.

And inasmuch as a beginning should be made by the classes who have hitherto moulded and represented public opinion and inasmuch as Government consolidates its power through titles and honours bestowed on the people, through schools controlled by it, its law-courts and its Legislative Councils and inasmuch as it is desirable in the prosecution of the movement to take the minimum risk and to call for the least sacrifice compatible with the attainment of the desired object, this Congress earnestly advises:—

- (a) surrender of titles and honorary offices and resignation from nominated seats in local bodies;
- (b) refusal to attend Government levees, durbars and other official and semi-official functions held by Government officials or in their honour;
- (c) gradual withdrawal of children from Schools and Colleges owned, aided or controlled by Government and in place of such Schools

and Colleges establishment of National Schools and Colleges in the various Provinces;

- (d) gradual boycott of British courts by lawyers and litigants and establishment of private arbitration courts by their aid for the settlement of private disputes;
- (e) refusal on the part of the military, clerical and labouring classes to offer themselves as recruits for service in Mesopotamia;
- (f) withdrawal by candidates of their candidature for election to the Reformed Councils and refusal on the part of the voters to vote for any candidate who may, despite the Congress advice, offer himself for election,
- (g) boycott of foreign goods;

And inasmuch as non-cooperation has been conceived as a measure of discipline and self-sacrifice without which no nation can make real progress, and inasmuch as an opportunity should be given in the very first stage of non-cooperation to every man, woman and child, for such discipline and self-sacrifice, this Congress advises adoption of Swadeshi in piece-goods on a vast scale, and inasmuch as the existing mills of India with indigenous capital and control do not manufacture sufficient yarn and sufficient cloth for the requirements of the nations, and are not likely to do so for long time to come, this Congress advises immediate stimulation of further manufacture on a large scale by means of reviving hand-spinning in every home and hand-weaving on the part of the millions of weavers who have abandoned their ancient and honourable calling for want of encouragement.



## APPENDIX IX B

### *Nagpur Congress Resolution No. 2*

#### NON-COOPERATION

Whereas in the opinion of the Congress the existing Government of India has forfeited the confidence of the country; and

Whereas the people of India are now determined to establish Swarajya; and

Whereas all methods adopted by the people of India prior to the last Special Session of the Indian National Congress have failed to secure due recognition of their rights and liberties and the redress of their many and grievous wrongs, more specially in reference to the Khilafat and the Punjab.

Now this Congress while reaffirming the resolution on non-violent non-cooperation passed at the Special Session of the Congress at Calcutta declares that the entire or any part or parts of the scheme of non-violent non-cooperation, with the renunciation of voluntary association with the present Government at one end and the refusal to pay taxes at the other, should be put in force at a time to be determined by either the Indian National Congress or the All India Congress Committee and that in the meanwhile, to prepare the country for it, effective steps should continue to be taken in that behalf:

- (a) by calling upon the parents and guardians of school children (and not the children themselves) under the age of 16 years to make greater efforts for the purpose of withdrawing them from such schools as are owned, aided or in any way controlled by Government and concurrently to provide for their training in national schools or by such other means as may be within their power in the absence of such schools;
- (b) by calling upon students of the age of 16 and over to withdraw without delay, irrespective of consequences, from institutions owned, aided or in any way controlled by Government, if they feel that it is against their conscience to continue in institutions which are dominated by a system of government which the nation has solemnly resolved to bring to an end, and advising such students either to devote themselves to some special service in connection with the Non-cooperation movement or to continue their education in national institutions;
- (c) by calling upon trustees, managers and teachers of Government, affiliated or aided schools and Municipalities and Local Boards to help to nationalise them;
- (d) by calling upon the lawyers to make greater efforts to suspend their practice and to devote their attention to national service including boycott of law courts by litigants and fellow lawyers and the settlement of disputes by private arbitration;

- (c) in order to make India economically independent and self-contained by calling upon merchants and traders to carry out a gradual boycott of foreign trade relations, to encourage hand-spinning and hand-weaving and in that behalf by having a scheme of economic boycott planned and formulated by a committee of experts to be nominated by the All India Congress Committee;
- (f) and generally, inasmuch as self-sacrifice is essential to the success of non-cooperation, by calling upon every section and every man and woman in the country to make the utmost possible contribution of self-sacrifice to the national movement;
- (g) by organising Committees in each village or group of villages, with a provincial central organisation in the principal cities of each Province for the purpose of accelerating the progress of non-cooperation;
- (h) by organising a band of national workers for a service to be called the Indian National Service; and
- (i) by taking effective steps to raise a national fund to be called the **ALL INDIA TILAK MEMORIAL SWARAJYA FUND** for the purpose of financing the foregoing National Service and the Non-cooperation movement in general.

This Congress congratulates the nation upon the progress made so far in working the programme of non-cooperation, specially with regard to the boycott of Councils by the voters, and claims, in the circumstances in which they have been brought into existence, that the new Councils do not represent the country and trusts that those, who have allowed themselves to be elected in spite of the deliberate abstention from the polls of an overwhelming majority of their constituents, will see their way to resign their seats in the Council, and that if they retain their seats in spite of the declared wish of their respective constituencies in direct negation of the principal of democracy, the electors will studiously refrain from asking for any political service from such Councillors:

This Congress recognises the growing friendliness between the Police and the soldiery and the people, and hopes that the former will refuse to subordinate their creed and country to the fulfilment of orders of their officers, and, by courteous and considerate behaviour towards the people, will remove the reproach hitherto levelled against them that they are devoid of any regard for the feelings and sentiments of their own people.

And the Congress appeals to all people in Government employment pending the call of the nation for resignation of their service, to help the national cause by importing greater kindness and stricter honesty in their dealings with their people and fearlessly and openly to attend all popular gatherings whilst refraining from taking any active part therein and, more specially, by openly rendering financial assistance to the national movement.

This Congress desires to lay special emphasis on **NON-VIOLENCE** being the integral part of the non-cooperation resolution and invites the

attention of the people to the fact that NON-VIOLENCE in word and deed is as essential between people themselves, as in the respect of the Government, and this Congress is of opinion that the spirit of violence is not only contrary to the growth of a true spirit of democracy but actually retards the enforcement (if necessary) of the other stages of non-cooperation.

Finally, in order that the Khilafat and the Punjab wrongs may be redressed and Swarajya established within one year, this Congress urges upon all public bodies, whether affiliated to the Congress or otherwise, to devote their exclusive attention to the promotion of non-violence and non-cooperation with the Government and, inasmuch as the movement of non-cooperation can only succeed by complete cooperation amongst the people themselves, this Congress calls upon public associations to advance Hindu-Muslim unity and the Hindu delegates of this Congress call upon the leading Hindus to settle all disputes between Brahmins and non-Brahmins, wherever they may be existing, and to make a special effort to rid Hinduism of the reproach of untouchability, and respectfully urges the religious heads to help the growing desire to reform Hinduism in the matter of its treatment of the suppressed classes.

## APPENDIX IX C

*36th Indian National Congress, Ahmedabad  
Session, 1921*

### RESOLUTION I

Whereas since the holding of the last National Congress the people of India have found from actual experience that by reason of the adoption of non-violent non-cooperation the country has made great advance in fearlessness, self-sacrifice and self-respect, and whereas the movement has greatly damaged the prestige of the Government and whereas on the whole the country is rapidly progressing towards Swaraj, this Congress confirms the resolution adopted at the special session of the Congress at Calcutta and re-affirmed at Nagpur and places on record the fixed determination of the Congress to continue the programme of non-violent non-cooperation with greater vigour than hitherto in such manner as each province may determine till the Punjab and the Khilafat wrongs are redressed and Swaraj is established and the control of the Government of India passes into the hands of the people from that of an irresponsible corporation.

And whereas by reason of the threat uttered by His Excellency the Viceroy in his recent speeches and the consequent repression started by the Government of India in the various provinces by way of dishandment of Volunteer Corps and forcible prohibition of public and even committee meetings in an illegal and high-handed manner and by the arrest of many Congress workers in several provinces, and whereas this repression is manifestly intended to stifle all Congress and Khilafat activities and deprive the public of their assistance, this Congress resolves that all activities of the Congress be suspended as far as necessary and appeals to all, quietly and without any demonstration, to offer themselves for arrest by belonging to the Volunteer Organisations to be formed throughout the country in terms of the Resolution of the Working Committee arrived at in Bombay on the 23rd day of November last, provided that no one shall be accepted as volunteer who does not sign the following pledge:—

With God as witness I solemnly declare that,

(1) I wish to be a member of the National Volunteer Corps.

(2) So long as I remain a member of the Corps I shall remain non-violent in word and deed and shall earnestly endeavour to be non-violent in intent since I believe that as India is circumstanced non-violence alone can help the Khilafat and the Punjab and result in the attainment of Swaraj and consolidation of unity among all the races and communities of India whether Hindu, Mussulman, Sikh, Parsi, Christian or Jew.

(3) I believe in and shall endeavour always to promote such unity.

(4) I believe in Swadeshi as essential for India's economic, political and moral salvation, and shall use hand-spun and hand-woven Khaddar to the exclusion of every other cloth.

(5) As a Hindu I believe in the justice and necessity of removing the

evil of untouchability and shall on all possible occasions seek personal contact with and endeavour to render service to the submerged classes.

(6) I shall carry out the instructions of my superior officers, and all the regulations not inconsistent with the spirit of this pledge prescribed by the Volunteer Board or the Working Committee or any other agency established by the Congress.

(7) I am prepared to suffer imprisonment, assault, or even death for the sake of my religion and my country without resentment

(8) In the event of my imprisonment I shall not claim from the Congress any support for my family or dependents.

This Congress trusts that every person of the age of 18 and over will immediately join the Volunteer Organisations.

Notwithstanding the proclamations prohibiting public meetings, and inasmuch as even Committee meetings have been attempted to be construed as public meetings, this Congress advises the holding of Committee meetings, and of public meetings, the latter in enclosed places and by tickets and by previous announcements at which as far as possible only speakers previously announced shall deliver written speeches, care being taken in every case to avoid risk of provocation and possible violence by the public in consequence.

This Congress is further of opinion that civil disobedience is the only civilized and effective substitute for an armed rebellion whenever every other remedy for preventing arbitrary, tyrannical and emasculating use of authority by individuals or corporations has been tried and therefore advises all Congress workers and others who believe in peaceful methods and are convinced that there is no remedy save some kind of sacrifice to dislodge the existing government from its position of perfect irresponsibility to the people of India to organise individual civil disobedience and mass civil disobedience when the mass of people have been sufficiently trained in the methods of non-violence and otherwise in terms of the resolution thereon of the last meeting of the All India Congress Committee held at Delhi.

This Congress is of opinion that in order to concentrate attention upon civil disobedience, whether mass or individual, whether of an offensive or defensive character, under proper safeguards and under instructions to be issued from time to time by the Working Committee or the Provincial Congress Committee concerned, all other Congress activities should be suspended whenever and wherever and to the extent to which it may be found necessary.

This Congress calls upon all students of the age of 18 and over particularly those studying in the national institutions and the staff thereof immediately to sign the foregoing pledge and become members of National Volunteer Corps.

In view of the impending arrest of a large number of Congress workers, this Congress whilst requiring the ordinary machinery to remain intact and to be utilised in the ordinary manner wherever feasible, hereby appoints until further instructions Mahatma Gandhi as the sole executive authority of the Congress and invests him with the full powers of the All India

Congress Committee including the power to convene a special session of the Congress or of the All India Congress Committee or the Working Committee, such powers to be exercised between any two sessions of the All India Congress Committee, and also with the power to appoint a successor in emergency.

This Congress hereby confers upon the said successor and all subsequent successors appointed in turn by their predecessors all his aforesaid powers.

Provided that nothing in this resolution shall be deemed to authorise Mahatma Gandhi or any of the aforesaid successors to conclude any terms of peace with the Government of India or the British Government without the previous sanction of the All India Congress Committee to be finally ratified by the Congress specially convened for the purpose, and provided also that the present creed of the Congress shall in no case be altered by Mahatma Gandhi or his successors except with the leave of the Congress first obtained.

The Congress congratulates all those patriots who are now undergoing imprisonment for the sake of their conscience or country and realise that their sacrifice has considerably hastened the advent of Swaraj.

### RESOLUTION II

This Congress appeals to all those who do not believe in full non-cooperation or in the principle of non-cooperation, but who consider it essential for the sake of national self-respect to demand and insist upon the redress of the Khilafat and the Punjab wrongs, and for the sake of full national self-expression, to insist upon the immediate establishment of Swaraj, to render full assistance to the nation in the promotion of unity between different religious communities, to popularise carding, hand-spinning and hand-weaving from its economical aspect and as a cottage industry necessary in order to supplement the resources of millions of agriculturists who are living on the brink of starvation, and to that end preach and practise the use of hand-spun and hand-woven garments, to help the cause of total prohibition, and if Hindus, to bring about removal of untouchability, and to help the improvement of the condition of the submerged classes.

### RESOLUTION III

This Congress expresses its firm conviction that the Moplah disturbance was not due to the Non-cooperation or the Khilafat movement, especially as the non-cooperators and the Khilafat preachers were denied opportunity of carrying on effective propaganda of non-violence in the affected parts by the District authorities for six months before the disturbance, but is due to causes wholly unconnected with the two movements and that the outbreak would not have occurred had the message of non-violence been allowed to reach them. Nevertheless this Congress deplores the acts done by certain Moplahs by way of forcible conversions and destruction of life and property and is of opinion that the prolongation of the disturbance in

Malabar could have been prevented by the Government of Madras accepting the proffered assistance of Maulana Yakub Hasan and other non-co-operators and allowing Mahatma Gandhi to proceed to Malabar and is further of opinion that the treatment of Moplah prisoners as evidenced by the asphyxiation incident was an act of inhumanity unheard of in modern times and unworthy of a Government that calls itself civilised.

#### RESOLUTION IV

This Congress congratulates Ghazi Mustafa Kemal Pasha and the Turks upon their successes and assures the Turkish nation of India's sympathy and support in its struggle to retain its status and independence.

#### RESOLUTION V

This Congress deplores the occurrences that took place in Bombay on the 17th November last and after and assures all parties and communities that it has been and is the desire and determination of the Congress to guard their rights to fullest extent.

## APPENDIX X A

### *Resolutions Passed at the All India Congress Committee held at Bezwada on the 31st March and 1st April 1921*

1. In the opinion of the All India Congress Committee, all Congress organizations and workers should concentrate their attention chiefly upon (I) bringing the All India Tilak Memorial Swarajya Fund to one crore of rupees and before the 30th June next, each Congress Province to collect in the ratio of its population; (II) putting on the Congress Register one crore of members and before the 30th June next, each province to contribute the number of members in the ratio of its population; and (III) introducing timely into the villages and houses 20 lakhs of Charkhas (Spinning Wheels) in good working order and before the 30th June next, each province to introduce the number of Charkhas in the ratio of its population.

2. The All India Congress Committee congratulates the country on the rapid progress made in the organization of Panchayats and trusts that the people will make still greater efforts to boycott the Government Law Courts.

3. This Congress Committee congratulates the country on its spontaneous response to the principle of self-purification underlying the movement of non-violent non-cooperation by taking up the campaign against the drink evil and trust that the habit of taking intoxicating drinks and drugs will totally disappear from the land by the persistent and continuous efforts of self-sacrificing workers.

4. Whilst the All India Congress Committee is of opinion that the orders of officials in the various provinces against non-cooperators in pursuit of the policy of repression inaugurated by the Government are totally unwarranted by the situation in the country and are in most cases pronounced by highest legal opinion to be illegal and whilst the All India Congress Committee believes the country has repented in a wonderful manner and in the face of grave provocation by the authorities to the principle of non-violence enjoined by the Congress in the country's pursuit after Swaraj and redress of the Khatlas and the Punjab wrongs this Committee is of opinion that, apart from the fact that Civil Disobedience is not expressly comprised in the Congress resolution in relation to non-cooperation, the country is not yet sufficiently disciplined, organized and ripe for the immediate taking up of Civil Disobedience and this Committee by way of preparation therefore advises all those upon whom orders may be served voluntarily to conform to them and trusts that new workers will take the place of those who may be disabled by the Government and that the people at large instead of being disheartened or frightened by such orders will continue their work of quiet organisation and construction sketched by the Congress resolution.



## APPENDIX X B

*Resolutions Passed by the All India Congress Committee  
which Met at Bombay on the 28th, 29th and 30th  
July 1921*

### RESOLUTION NO. 1

In the event of the British Government persisting in bringing to India His Royal Highness the Prince of Wales in spite of the growing unrest and discontent by reason of the failure of Government to respond to popular will, the All India Congress Committee is of opinion that it is the duty of every one, in terms and in virtue of the non-cooperation resolution passed at the Special Session of the Congress in September 1920 at Calcutta and re-affirmed at the ordinary session in December, 1920 at Nagpur, to refrain from participating in or assisting in any welcome to His Royal Highness or any functions organised officially or otherwise in connection with his visit.

While the All India Congress Committee considers it its painful duty to tender the above advice to the people it desires to place on record its opinion that India bears no sort of feeling against the person of His Royal Highness and that this advice is tendered because the Committee regards the proposed visit as a political move and calculated to give strength and support to a system of Government that has resulted in a breach of faith with the Mussulmans of India and atrocious in justice to the people of India as during the Martial Law days in 1919 in the Punjab and a system that is designed to keep India as long as possible from her birthright of Swaraj.

### RESOLUTION NO. 2

(a) The All India Congress Committee desires to tender its congratulations to the nation upon the fulfilment of the resolution arrived at Bezwada to collect one crore of rupees for the All India Tilak Memorial Swarajya Fund, and in this connection especially tenders its warm congratulations to the generous citizens of Bombay without whose response the Resolution seemed to be impossible of fulfilment.

(b) In order to be able to attain Swaraj and to secure the redress of the Khilafat and the Punjab wrongs during the current year the All India Congress Committee desires that all Congress organisations and those who sympathise with the national aspirations should concentrate their attention upon attaining complete boycott of foreign cloth by the 30th of September next and manufacture of Khaddar by stimulating hand-spinning and hand-weaving and to this end the All India Congress Committee advises that all persons belonging to the Congress shall discard the use of foreign cloth as from the 1st day of August next and advises all Congress organisations:—

(1) to use all national educational institutions as far as possible for band-spinning and hand-weaving;

(2) to introduce spinning-wheels into the homes which do not yet possess them;

(3) in every district to take a census of weavers and to induce them by offering facilities to discard the use of foreign yarn and to use as far as possible band-spun yarn, and otherwise to use Indian mill-spun yarn;

(4) to induce by special encouragement weavers who have given up their calling to return to it;

(5) to take a census of cotton carders and to induce them to prepare cards for spinning;

(6) to open depots for the supply of Khaddar, spinning-wheels, band-looms and all accessories required for spinning and weaving;

(7) to collect foreign cloth from consumers for destruction or use outside India, at their option.

(c) The All India Congress Committee invites the mill agents and shareholders of the great spinning and weaving companies in Bombay, Ahmedabad and elsewhere to support the national effort by regulating the price of their manufactures so as to bear proportion to the wages of mill hands and other expenditure, and so as to be within the reach of the poorest and trusts that in no case will they raise the price beyond the prevailing rates.

(d) The All India Congress Committee invites the importers of foreign cloth and yarn to cooperate with the nation by immediately stopping all foreign orders and by endeavouring to dispose of their stock as far as possible outside India.

### RESOLUTION NO. 3

The All India Congress Committee notes with deep satisfaction the growth of public opinion and the campaign against the use and sale of intoxicating liquors or drugs by means of peacefully picketing shops licensed for the purpose of selling such liquors or drugs, and notes with concern the undue and improper interference commenced by the Government in various parts of the country with the recognised right of the public to wean weak members from temptations to visit such shops and desires it to be understood that in the event of such interference with the peaceful exercise of the said right being persisted in, the Committee will be prepared to recommend the continuance of picketing in disregard of such interference and advises the Working Committee to investigate cases of interference and authorise disregard thereof whenever and wherever it may be considered desirable and in the interests of the movement.

The All India Congress Committee congratulates the Thana District Board for the resolution on picketing and the determination to continue it and calls upon other Local Boards and Municipalities in India immediately to follow the splendid lead of that Board.

The All India Congress Committee appeals to the keepers of shops for the sale of intoxicating liquors or drugs to recognise the growing force of acute public opinion against the continuance of such trade and to respond to the wish of the nation by immediately discontinuing it.

#### RESOLUTION NO. 4

The All India Congress Committee deplores the excesses committed by crowds at Malegaon and recently by some people in parts of the city of Aligarh even though under grave provocation and advises Congress organisations to inculcate among the people the importance of observing the spirit of complete non-violence as an indispensable part of non-co-operation and whilst condemning these isolated instances of popular violence the Committee desires to congratulate the people of India upon their having exercised complete self-restraint notwithstanding grave provocation given by the local authorities in Dharwar, Matuari, Guotur, Chirala, Perala, Kerala, North West Frontier Province, Keonjhar and elsewhere.

The All India Congress Committee tenders its sympathy and congratulations to the families of those who have lost their lives by the unprovoked fire opened upon them by the local authorities at several places and congratulates all those brave and innocent citizens who have been wounded or are suffering imprisonment and records its deep appreciation of the fact that in the majority of cases the patriots went to jail without offering any defence whatsoever.

The All India Congress Committee is of opinion that the way to freedom lies only through voluntary suffering and therefore through imprisonment of innocent men and women without defence or bail.

The All India Congress Committee regards repression going on in several parts of the country and the serious and widespread repression going on in the United Provinces as a sign of the near approach of freedom and therefore hopes that the people in the provinces concerned will not be frightened or demoralized and that willing workers will come forward to take the place of those who without any moral breach on their part might lose their lives or might be imprisoned.

The All India Congress Committee has taken note of the reasonable desire of workers in the United Provinces and other parts to take up civil disobedience in answer to the repressive measures of Local Governments and has also taken note of the fact that the administration in the North-West Frontier Province has even prohibited the entry into that province of the members of the Frontier Inquiry Committee appointed by the Central Khilafat Committee to enquire into the outrages alleged to have been committed by the local officials in Banoo but with a view to ensure greater stability of non-violent atmosphere throughout India and in order to test the measure of influence attained by the Congress over the people and further in order to retain on the part of the nation an atmosphere free from ferment necessary for the proper and swift prosecution of Swadeshi,

the All India Congress Committee is of opinion that civil disobedience should be postponed till after the completion of the programme referred to in the resolution on Swadeshi, after which the Committee will not hesitate, if necessary, to recommend a course of civil disobedience even though it might have to be adopted by a Special Session of the Congress, provided however that it is open to any province or place to adopt civil disobedience subject to the previous approval of the Working Committee obtained within the constitution through the Provincial Congress Committee concerned.

## APPENDIX X C

### *Resolution of the All India Congress Committee Held at Delhi on 4th and 5th November 1921*

2. Whereas there is not much over one month for the fulfilment of the national determination to establish Swaraj before the end of the year, and whereas the Nation has demonstrated its capacity for exemplary self-restraint by observing perfect non-violence over the arrest and imprisonment of the Ali Brothers and the other leaders, and whereas it is desirable for the Nation to demonstrate its capacity for further suffering and discipline sufficient for the attainment of Swaraj.

The All India Congress Committee authorises every province, on its own responsibility, to undertake Civil Disobedience including non-payment of taxes, in the manner that may be considered the most suitable by the respective Provincial Congress Committees subject to the following conditions:—

(1) In the individual Civil Disobedience the individual must know hand-spinning and must have completely fulfilled that part of the programme which is applicable to him or her, e.g., he or she must have entirely discarded the use of foreign cloth and adopted only hand-spun and hand-woven garments, must be a believer in Hindu-Muslim unity and in the unity amongst all the communities professing different religions in India as an article of faith, must believe in non-violence as absolutely essential for the redress of the Khilafat and the Punjab wrongs and the attainment of Swaraj, and if a Hindu must by his personal conduct show that he regards untouchability as a blot upon Nationalism;

(2) In the event of mass Civil Disobedience a District or Tahsil should be treated as a unit, and therein a vast majority of the population must have adopted full Swadeshi and must be clothed out of cloth hand-spun and hand-woven in that District or Tahsil, and must believe in and practice all the other items of non-cooperation.

Provided that no civil resister should expect to be supported out of public funds, and members of the families of civil resisters undergoing sentence will be expected to support themselves by carding, hand-spinning and hand-weaving or any other means.

Provided further that upon application by any Provincial Congress Committee it is open to the Working Committee to relax the conditions of the Civil Disobedience, if it is satisfied that any condition should be waived.

3. The All India Congress Committee while regarding the progress so far made in Swadeshi as encouraging is of opinion that enough progress has not been made all round, and calls upon workers throughout India to devote their exclusive attention to the completion of boycott of foreign yarn and cloth and manufacture of hand-spun and hand-woven cloth so as to enable the country to offer universal Civil Disobedience if necessary.

the All India Congress Committee is of opinion that civil disobedience should be postponed till after the completion of the programme referred to in the resolution on Swadeshi, after which the Committee will not hesitate, if necessary, to recommend a course of civil disobedience even though it might have to be adopted by a Special Session of the Congress, provided however that it is open to any province or place to adopt civil disobedience subject to the previous approval of the Working Committee obtained within the constitution through the Provincial Congress Committee concerned.

## APPENDIX X D

*Resolution Passed at All India Congress Committee  
Meeting Held at Delhi on 24th and 25th February  
1922*

1. The All India Congress Committee having carefully considered the resolutions passed by the Working Committee at its meeting held at Bardoli on the 11th and 12th instant, confirms the said resolutions with the modifications mentioned therein and further resolves that Individual Civil Disobedience whether of a defensive or aggressive character may be commenced in respect of particular place or particular laws at the instance of and upon permission being granted therefor by the respective Provincial Committees; provided that such Civil Disobedience shall not be permitted unless all the conditions laid down by the Congress or the All India Congress Committee or the Working Committee are strictly fulfilled.

Reports having been received from various quarters that picketing regarding foreign cloth is as necessary as liquor-picketing, the All India Congress Committee authorises such picketing of a bonafide character on the same terms as liquor picketing mentioned in the Bardoli resolutions.

The All India Congress Committee wishes it to be understood that the resolution of the Working Committee do not mean any abandonment of the original Congress programme of non-cooperation or permanent abandonment of Mass Civil Disobedience but considers that an atmosphere of necessary mass-non-violence can be established by the workers concentrating upon the constructive programme framed by the Working Committee at Bardoli.

The All India Congress Committee holds Civil Disobedience to be the right and duty of the people to be exercised and performed whenever the State opposes the declared will of the people.

Note—Individual Civil Disobedience is disobedience of orders or laws by a single individual or an ascertained number or group of individuals. Therefore a prohibited public meeting where admission is regulated by tickets and to which no unauthorised admission is allowed is an instance of Individual Civil Disobedience, whereas a prohibited meeting to which the general public is admitted without any restriction is an instance of Mass Civil Disobedience. Such Civil Disobedience is defensive when a prohibited public meeting is held for conducting a normal activity although it may result in arrest. It would be aggressive if it is held not for any normal activity but merely for the purpose of courting arrest and imprisonment.

4 The All India Congress Committee endorses the Resolution passed by the Working Committee regarding the duty of all Government employees, whether civilians or soldiers, and is of opinion that it is the inherent right of a citizen to pronounce his opinion upon the advisability or otherwise of Government servants leaving civil or military service and that it is the inherent right of every citizen to appeal in an open manner to the soldier or the civilian to sever his connection with a Government which has forfeited the confidence and support of the vast majority of the population of India.

5. The All India Congress Committee congratulates the non-cooperators who have been arrested or imprisoned in the country and is of opinion that their sufferings will hasten the attainment of the country's purpose.

6. The All India Congress Committee approves and adopts the Resolution on Foreign Policy proposed by the Working Committee, that the Congress should let it be known to the neighbouring and other non-Indian States —

(1) that the present Government of India in no way represent Indian opinion and that their policy has been traditionally guided by considerations more of holding India in subjection than of protecting her borders;

(2) that India as a self-governing country can have nothing to fear from the neighbouring states or any state as her people have no designs upon any of them and hence no intention of establishing any trade relations hostile to or not desired by the people of such states;

(3) and that the people of India regard most treaties entered into with the Imperial Government by neighbouring states as mainly designed by the latter to perpetuate the exploitation of India by the Imperial power and would therefore urge the states having no ill-will against the people of India having no desire to injure her interest to refrain from entering into any treaty with Imperial power.

The Committee wishes also to assure the Foreign States that when India has attained self-government, her foreign policy will naturally be always guided so as to respect their religious obligations.



- (7) Candidates should receive no more than what is required for the maintenance of their dependents and themselves and, in no case, more than Rs. 50, per month.
- (8) No candidate should be approved who is found to be heavily in debt or who has a family that cannot be reasonably supported by a monthly honorarium of Rs. 50.
- (9) No candidate shall be appointed who does not comply or has not complied with the requirements of non-cooperation resolution especially applicable to him or her.
- (10) Candidates should not be under the age of 18.
- (11) All candidates approved by the said Board shall sign the contracts in triplicate, one copy to be filed at the office of the Provincial Congress Committee, one to be filed with the All India Congress Committee not later than eight days after the signing of the contract and one to be retained by the approved candidate.
- (12) Each candidate shall receive a letter of appointment and instructions to be signed by the Chairman of the Provincial Congress Committee, which shall include specific directions for the strictest observance of non-violence in word and deed and the details of service to be performed by the candidates selected.

## APPENDIX XI A

*Resolutions Passed by the Working Committee which Met at Calcutta  
on 31st January and 1st-4th February, 1921, with  
Mahatma Gandhi in the Chair*

(15) This Committee, having carefully considered the student movement in all its hearings, is of opinion that the organizers and professors and teachers of colleges and high schools nationalized or opened or to be nationalized or opened in accordance with the Congress resolution on non-violent non-cooperation should draw up and publish a new curriculum to be in keeping with the national requirements and to be enforced in full at the end of the current year and advises them during the transition and preparation period to confine their attention:-

- (1) to teaching hand-spinning and manufacture of yarn in order forthwith to supplement the shortage of yarn spun in Indian Mills and to encourage the revival of the art of spinning.
- (2) to teaching Hindustani through the Devanagari and Urdu Scripts.
- (3) to enable the students to assimilate through their mother-tongues the instruction already acquired.
- (4) and, for those students who desire to devote themselves to immediate National Service in the way of village organization etc., to give them a short course of training to fit them for the purpose.

(16) This Committee advises Provincial Congress Committees to organise, for their respective provinces, the Indian National Services contemplated in the non-violent non-cooperation resolution and, in so doing, to ensure the fulfilment of the following minimum requirements:-

- (1) Candidates should possess a competent knowledge of the vernacular of their province and hand-spinning and an elementary knowledge of the economic, social and political condition of this country to the satisfaction of the Board to be appointed by the Provincial Congress Committee and approved by the All India Congress Committee and consisting of at least one Doctor, one Educationist and one Businessman.
- (2) Candidates should be free from any incurable disease or habit that would interfere with the due discharge of their duties.
- (3) Candidates should produce to the satisfaction of the said Board a certificate of character signed by at least two respectable men of their districts.
- (4) Candidates should promise to devote their whole time and attention to the service entrusted to them from time to time.
- (5) A candidate should be liable to instant dismissal for neglect to duty, breach of discipline, dishonesty or non-compliance with the requirements of the non-cooperation applicable to him or her.
- (6) Contracts should be for the current year.

- (7) Candidates should receive no more than what is required for the maintenance of their dependents and themselves and, in no case, more than Rs. 50, per month.
- (8) No candidate should be approved who is found to be heavily in debt or who has a family that cannot be reasonably supported by a monthly honorarium of Rs. 50.
- (9) No candidate shall be appointed who does not comply or has not complied with the requirements of coo-cooperation resolution especially applicable to him or her.
- (10) Candidates should not be under the age of 18.
- (11) All candidates approved by the said Board shall sign the contracts in triplicate, one copy to be filed at the office of the Provincial Congress Committee, one to be filed with the All India Congress Committee not later than eight days after the signing of the contract and one to be retained by the approved candidate.
- (12) Each candidate shall receive a letter of appointment and instructions to be signed by the Chairman of the Provincial Congress Committee, which shall include specific directions for the strictest observance of non-violence in word and deed and the details of service to be performed by the candidates selected.

## APPENDIX XI B

*Resolutions of the Working Committee Held at Calcutta, on 6th, 7th, 8th, and 11th September 1921*

(18) That in the opinion of the Working Committee non-cooperators should refuse to pay fine or serve as special constables and should prefer imprisonment.

(25) The Working Committee places on record its sense of deep regret over the deeds of violence done by Moplahs in certain areas of Malabar, these deeds being evidence of the fact that there are still people in India who have not understood the message of the Congress and the Central Khilafat Committee and calls upon every Congress and Khilafat worker to spread the said message of non-violence even under the gravest provocation throughout the length and breadth of India.

Whilst, however, condemning violence on the part of the Moplahs the Working Committee desires it to be known that the evidence in its possession shows that provocation beyond endurance was given to the Moplahs and that the reports published by and on behalf of the Government have given one-sided and highly exaggerated account of the wrongs done by the Moplahs and an understatement of the needless destruction of life resorted to by the Government in the name of peace and order.

The Working Committee regrets to find that there have been instances of so-called forcible conversion by some fanatics among the Moplahs, but warns the public against believing in the Government and inspired versions. The report before the Committee says:—"The families which have been reported to have been forcibly converted into Mohammedanism lived in the neighbourhood of Manjeri. It is clear that conversions were forced upon Hindus by a fanatic gang which was always opposed to the Khilafat and Non-cooperation movement and there were only three cases so far as our information goes."

It has been reported to the Working Committee that the disturbances took place only in areas in which Congress and Khilafat activities were prohibited and that the Congress and the Khilafat workers tried their best at considerable risk to themselves to check the mob-fury and prevent violence.

## APPENDIX XI C

### *Resolutions of the Working Committee Held at Bombay on 5th October 1921*

1. The Working Committee congratulates the Ali Brothers and their comrades upon their prosecution and having considered the Karachi Khilafat Conference Resolution, regarding military service under Government, the Working Committee is of opinion that the resolution virtually reaffirms the principle laid down by the Congress at its special session in Calcutta and its ordinary session in Nagpur last year, that it is contrary to the national dignity and national interest for any Indian to engage or remain in the service of the Government in any capacity whatever, a Government that has used the soldiers and the police for repressing the just aspirations of the people as during the Rowlatt Act agitation and that has utilised the soldiers for the purpose of crushing the national spirit of the Egyptians, the Turks, the Arabs and other nations. The Working Committee is further of opinion that the reasons given for the prosecutions with reference to the said Karachi Resolution constitute an undue interference with religious liberty.

The Working Committee has been only deterred from calling out the soldiers and the civilians in the name of the Congress because the Congress is not yet ready to support those Government servants who may leave Government service and who may not be able themselves to find means of livelihood. The Working Committee is, however, of opinion that in pursuance of the spirit of the Congress resolution on non-cooperation, it is the clear duty of every Government employee, whether soldier or civilian, who can support himself without Congress assistance, to leave such service. The Working Committee draws the attention of all Indian soldiers and police to the fact that carding, hand-spinning and hand-weaving afford them by undergoing training for a brief period an honourable means for independent livelihood.

2. The Working Committee regrets to note that the boycott of foreign cloth, while it has made considerable progress during the last two months allowed by the All India Congress Committee to complete it, has not been so completed and appeals to Congress organisations to put forth special efforts to bring about a complete boycott of foreign cloth in their respective districts before the end of the current month and to that end organise manufacture of cloth by hand-spinning and hand-weaving.

3. The Working Committee considers that it is not possible to authorise any plan of general civil disobedience in any Congress district or province where effective boycott of foreign cloth has not been brought about and hand-spinning and hand-weaving have not been developed, so as to produce sufficient Khaddar for the wants of the district or the province. The Working Committee, however, authorises civil disobedience by individuals who may be prevented in the prosecution of the Swadeshi propaganda provided it is done under the authority of the Provincial Congress Committee and the Provincial Congress Committee is assured

of a non-violent atmosphere being maintained.

4. The Working Committee is of opinion that on the day of the landing of His Royal Highness the Prince of Wales there should be a general voluntary *hartal* throughout India and, as to the effective boycott of any public welcome to His Royal Highness during his visit to the different cities of India, the Working Committee leaves the arrangements in the hands of the respective Provincial Congress Committees.

5. With reference to the Resolution on foreign policy referred specially, by the All India Congress Committee held at Bombay in July, to the Working Committee, the latter is of opinion that the Congress should let it be known to the neighbouring and other states.

## APPENDIX XI D

### *Resolutions of the Working Committee Held at Bombay on 22nd and 23rd November 1921*

1. This Committee deplores the tragic occurrences during the past few days in Bombay resulting in racial strife and ending in loss of life and property. In the opinion of this Committee occurrences such as these cannot but retard the progress of the country towards its triple goal and the Committee wishes in this connection to emphasise the fact that a non-violent atmosphere is essential for the attainment of the country's goal.

Whilst by reason of these tragic occurrences this Committee recognises the necessity of caution it sees no cause for discouragement but is of opinion that the after-events give the greatest cause for satisfaction and congratulation, in that cooperators, non-cooperators, Hindus, Mussulmans, Parsis and Christians without being demoralised by them set about regaining control over the turbulent elements and were successful in bringing about peace without resort to any Government assistance whatsoever.

This Committee notes in the quick and voluntary restoration of peace, the great advance the nation has made in the practice of non-violence and responding to its natural leaders. This Committee invites Congress workers to use the occurrences as an indication of the weak spot in the national organisation and urges upon all Congress and Khilafat organisations the necessity of obtaining control over all turbulent elements in society.

This Committee congratulates the citizens of Bombay upon their having regained the confidence and control of the population and also congratulates the nation upon the bravery of the volunteers and other non-cooperators who lost their lives or were injured whilst trying to prevent collision between rival factions.

This Committee tenders its sympathy to the bereaved and the injured and ventures to ask them to regard their sorrows as the common lot of nations striving for self-realisation.

This Committee is further of opinion that all volunteer organisations should be so far formed as to become responsible for the retention of peaceful atmosphere within their respective jurisdictions and that only such volunteers should be enlisted and retained as are known to be pledged to the strictest observance of non-violence.

This Committee desires to warn all Provincial Congress Committees against embarking upon mass civil disobedience without first making certain of a peaceful atmosphere being retained throughout the province concerned, it being in the opinion of the Committee essential for the successful working of civil disobedience that whilst it is in action in one part of India the rest responds by remaining non-violent. (Sjt. Patel voted against).

Thereafter there was some discussion on the policy of the Congress

towards the Native States and it was the sense of the meeting that it was not desirable at this stage to enunciate any such policy.

5. This Committee considers it of national importance that all non-cooperation volunteer corps, Khilafat volunteer corps and other non-official volunteer bodies should be brought under central control and named National Volunteer Corps and therefore advises the Provincial Congress Committees to appoint central boards in their respective provinces for controlling and bringing under uniform discipline all the existing Volunteer Corps and commends to their attention the following draft general instructions and further requests the Central Khilafat Committee, the Khalsa Committee and other bodies, if they approve of the recommendations of this Committee, to pass the necessary resolutions to give effect to them.

### *Draft General Instructions for Volunteer Organisations*

Every volunteer should sign the following pledge in triplicate. One copy shall be given to the volunteer, one sent to the central office in every province and one kept in the district in which the volunteer is enlisted.

The pledge shall be written in the language of the province in which the volunteer is resident, as also in Hindustani, in Urdu and Devanagari scripts. So far as possible for the uniform of volunteers imitation of military uniform shall be avoided. Volunteers shall not carry any sword with them but may carry any ordinary walking stick not longer than four feet.

The lowest unit shall consist of twenty people, of whom one shall be a leader elected by the members of a particular unit. Twenty such leaders shall elect from among themselves an officer. All other officers shall be appointed by the Central Provincial office which shall consist of a board of five who will elect their own chairman. All subordinate officers shall implicitly obey instructions issued from time to time by the board. The duties of volunteers shall be to preserve order, to regulate meetings, hartals, and processions, and to render social service in emergencies in accordance with instructions given to them. No volunteer shall be enlisted who is known to be a bad character. The Central Board shall be under the control of and appointed by the Provincial Congress Committees. Khilafat volunteers should also form part of the national volunteers and be subject to the control of the Central Provincial Board. No one under eighteen shall be enlisted as volunteer.

### THE PLEDGE

So long as I remain in any volunteer organisation I shall faithfully and diligently carry out all the instructions received from my superiors. I shall observe the pledge of non-violence in word and in deed, and shall inculcate the spirit of non-violence amongst others. I shall regard the pledge as binding upon me so long as the policy of non-violence is continued by the nation. I shall run all risks attendant upon the performance of my duty.



## APPENDIX XI E

*Resolutions of the Working Committee Held at Ahmedabad on  
23rd, 26th and 30th December 1921*

8. The Working Committee calls upon all the Provincial Congress Committees to substitute the volunteers' pledge adopted at the last session of the Congress, for the pledge adopted at the last meeting of the Working Committee held in Bombay on the 23rd day of November last, and proceed without delay with the further enrolment of all available men and women within their respective provinces of the required age and qualifications; each such pledge to be in triplicate, one copy to be given to the volunteer, one to be filed in the records of the office of enlistment, (such offices to be established by the respective Provincial Committees) and one to be sent to the Provincial Congress Committee.

The Working Committee advises that the pledge be translated into the language of the province in which the enlistment takes place and that care be taken to explain its full purport to the intending volunteers. Inasmuch as the object of the Congress in passing the resolution regarding the volunteers was to assert the right of forming such associations in spite of notifications of disbandment of volunteer organisations issued by several Local Governments, and therefore, as the object was also to get consistently with the requirements of the pledge the largest number of volunteers who would be prepared to suffer imprisonment, the Working Committee advises that there should be two lists, one containing the name of those who are prepared actively to serve the Congress and the other of those who are otherwise employed but are ready to suffer imprisonment, assault, or death, and that the volunteers registered on the reserve list may not be called for any purpose save that of seeking imprisonment, etc.

The Working Committee advises that great care should be taken to confine enlistment, only to men and women of proved character, it being the opinion of the Committee that the success of the cause depends more upon the quality than upon the number enlisted.

The Working Committee advises that pending enlistment of volunteers throughout the different provinces, offensive civil disobedience should not be taken up and in no case before the 15th day of January next. Offensive civil disobedience means deliberate and wilful breach of the State made non-moral laws, that is laws the breach of which does not involve moral turpitude, not for the purpose of securing the repeal of or relief from hardships arising from obedience to such laws but for the purpose of diminishing the authority of or overthrowing the State. For example, picketing of liquor shops or shops for the sale of intoxicating drugs, although prohibited, has not for its object the overthrow of the State and, therefore, does not fall within this definition.

The Working Committee advises the Provincial Congress Committees to send from time to time and at least once a week, a report of progress made in enlistment to the Working Secretary of the All India Congress Committee.

The Working Committee advises that the names of the volunteers enlisted be sent for publication to the press from time to time.

towards the Native States and it was the sense of the meeting that it was not desirable at this stage to enunciate any such policy.

5. This Committee considers it of national importance that all non-cooperation volunteer corps, Khilafat volunteer corps and other non-official volunteer bodies should be brought under central control and named National Volunteer Corps and therefore advises the Provincial Congress Committees to appoint central boards in their respective provinces for controlling and bringing under uniform discipline all the existing Volunteer Corps and commends to their attention the following draft general instructions and further requests the Central Khilafat Committee, the Khalsa Committee and other bodies, if they approve of the recommendations of this Committee, to pass the necessary resolutions to give effect to them.

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The lowest unit shall consist of twenty people, of whom one shall be a leader elected by the members of a particular unit. Twenty such leaders shall elect from among themselves an officer. All other officers shall be appointed by the Central Provincial office which shall consist of a board of five who will elect their own chairman. All subordinate officers shall implicitly obey instructions issued from time to time by the board. The duties of volunteers shall be to preserve order, to regulate meetings, bairats, and processions, and to render social service in emergencies in accordance with instructions given to them. No volunteer shall be enlisted who is known to be a bad character. The Central Board shall be under the control of and appointed by the Provincial Congress Committees. Khilafat volunteers should also form part of the national volunteers and be subject to the control of the Central Provincial Board. No one under eighteen shall be enlisted as volunteer.

### THE PLEDGE

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hand-weaving should be the chief occupation to be spread among the refugees.

Resolved also that the Kerala Relief Committee formed by Sjt. C. Rajagopalachariar be recommended to add Sjt. Mathuradas Purushottam as member of the Committee and that the Committee be instructed to forward monthly reports of its work.

## APPENDIX XI F

### *Resolutions of the Working Committee Held at Bombay on the 17th January 1922*

4. The Working Committee places on record its thanks to Pandit Malaviyaji and his fellow conveners for convening the conference of persons belonging to the various political parties in the country, for the purpose of considering the existing tension and having considered the resolutions of the conference the Committee resolves that the offensive civil disobedience contemplated by the Ahmedabad Congress be not started till the 31st day of January 1922 or pending result of the negotiations undertaken by the Committee of the Malaviya Conference for a Round Table Conference whichever may be the first date.

The Working Committee considers it necessary for the purpose of creating an atmosphere favourable for a successful Round Table Conference that:

(a) All notifications and notices declaring illegal and prohibiting the formation of volunteer corps, public meetings, picketing and normal activities of the Congress or the Khilafat Committee be withdrawn and the prisoners undergoing prosecution or conviction in respect of such notices be discharged or released as the case may be.

(b) All Fatwa prisoners including the Ali Brothers and their companions be released.

(c) All other prisoners already convicted or under-trial for non-violent or other innocent activities be dealt with and discharged in the manner appointed therefor in the resolution of the Conference, and

(d) That simultaneously with the performance of the foregoing acts by the Governments concerned and in the event of a Round Table Conference being called and pending such conference, all *hartals*, picketing and civil disobedience should cease.

In order to avoid any misunderstanding about the Congress demands the Working Committee desires to draw the attention of the Committee appointed by the Malaviya Conference to the Khilafat, the Punjab and the Swaraj claims as stated publicly from time to time from Congress platforms and to state that therefore the Congress and the Khilafat representatives will be bound to demand full settlement of the three claims.

5. Resolved that a sum not exceeding Rs. 84,000 be sanctioned as a grant for the relief of the refugees from the area of distress in Malabar, the money to be paid to the Kerala Provincial Congress Committee in such instalments as may be determined by Mahatma Gandhi from time to time.

Resolved further that the Kerala Committee be instructed that no able-bodied person should be supported out of the relief fund without some sort of work being taken from him and that hand-spinning and

## APPENDIX XI H

### *Proceedings of the Meeting of the Working Committee Held at Mahatma Gandhi's Residence at Bardoli on the 11th and 12th February 1922*

I. The Working Committee deplors the inhuman conduct of the mob at Chauri Chaura in having brutally murdered constables and wantonly burned the Police Thana and tenders its sympathy to the families of the bereaved.

In view of Nature's repeated warnings every time Mass Civil Disobedience has been imminent some popular violent outburst has taken place indicating that the atmosphere in the country is not non-violent enough for Mass Civil Disobedience, the latest instance being the tragic and terrible events at Chauri Chaura near Gorakhpur, the Working Committee of the Congress resolves that Mass Civil Disobedience contemplated at Bardoli and elsewhere be suspended and instructs the local Congress Committee forthwith to advise the cultivators to pay the land revenue and other taxes due to the Government and whose payment might have been suspended in anticipation of Mass Civil Disobedience, and instructs them to suspend every other preparatory activity of an offensive nature.

The suspension of Mass Civil Disobedience shall be continued till the atmosphere is so non-violent as to ensure the non-repetition of popular atrocities such as at Gorakhpur or hooliganism such as at Bombay and Madras respectively on the 17th November 1921 and 13 January last.

In order to promote a peaceful atmosphere the Working Committee advises, till further instructions, all Congress organisations to stop activities specially designed to court arrest and imprisonment save normal Congress activities including voluntary *hartals*, wherever an absolutely peaceful atmosphere can be assured and for that end all picketing shall be stopped save for the bona-fide and peaceful purpose of warning the visitors to liquor-shops against the evils of drinking, such picketing to be controlled by persons of known good character and specially selected by the Congress Committee concerned.

The Working Committee advises till further instructions the stoppage of all volunteer processions and public meetings merely for the purpose of defiance of the notification regarding such meetings; this, however, shall not interfere with the private meetings of Congress and other Committees or public meetings which are required for the conduct of the normal activities of the Congress.

Complaints having been brought to the notice of the Working Committee that ryots are not paying rents to the zemindars, the Working Committee advises Congress workers and organisations to inform the ryots that such withholding of rents is contrary to the resolutions of the Congress and that it is injurious to the best interests of the country.

The Working Committee assures the zemindars that the Congress movement is in no way intended to attack their legal rights and that even where the ryots have grievances the Committee's desire is that red-

## APPENDIX XI G

*Resolution of the Working Committee held at Surat on the  
31st January 1922*

11. The Working Committee having considered the resolution of the Bardoli Taluka Conference regarding mass civil disobedience desires to congratulate the people of that Taluka upon their self-sacrificing resolve to offer mass civil disobedience and wishes them every success in their patriotic effort. The Working Committee advises all other parts of India to cooperate with the people of Bardoli Taluka by refraining from mass or individual civil disobedience of an aggressive character except upon the express consent of Mahatma Gandhi previously obtained. Provided that in no case shall there be any relaxation in the conditions laid down therefor either by the All India Congress Committee at Delhi or by the Congress at Ahmedabad. Provided further that this resolution shall in no way be interpreted so as to interfere with the present defensive civil disobedience going on in the country whether in respect of notification under the Criminal Law Amendment Act or the Seditious Meetings Act, or orders under the ordinary law of the country restricting the liberty of the citizens.

The Working Committee advises the people throughout the provinces to pay up the tax due by them to the Government whether directly or indirectly through Zemindars or Taluqdars except in such cases of direct payment to the Government where previous consent has been obtained from Mahatma Gandhi for suspension of payment preparatory to mass civil disobedience.

## APPENDIX XI H

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In view of Nature's repeated warnings every time Mass Civil Disobedience has been imminent some popular violent outburst has taken place indicating that the atmosphere in the country is not non-violent enough for Mass Civil Disobedience, the latest instance being the tragic and terrible events at Chauri Chaura near Gorakhpur, the Working Committee of the Congress resolves that Mass Civil Disobedience contemplated at Bardoli and elsewhere be suspended and instructs the local Congress Committee forthwith to advise the cultivators to pay the land revenue and other taxes due to the Government and whose payment might have been suspended in anticipation of Mass Civil Disobedience, and instructs them to suspend every other preparatory activity of an offensive nature.

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The Working Committee assures the zemindars that the Congress movement is in no way intended to attack their legal rights and that even where the ryots have grievances the Committee's desire is that red-

ress should be sought by mutual consultations and by the usual recourse to arbitrations.

Complaints having been brought to the notice of the Working Committee that in the formation of Volunteer Corps great laxity prevails in the selection and that insistence is not had on the full use of hand-spun and hand-woven Khaddar and on the full observance by Hindus of the rule as to the removal of untouchability nor is care being taken to ascertain that the candidates believe fully in the observance of non-violence in intent, word and deed in terms of the Congress resolution, the Working Committee calls upon all Congress organisations to revise their lists and remove from them the names of all such volunteers as do not strictly conform to the requirements of the pledge.

The Working Committee is of opinion that unless Congressmen carry out to the full the Congress constitution and the resolutions from time to time issued by the Working Committee, it is not possible to achieve its objects expeditiously or at all.

The foregoing resolution will have effect only pending the meeting to be specially convened of the All India Congress Committee and thereafter subject to confirmation by it, the secretary to call such meeting as early as possible after consultation with Hakim Ajmal Khan.

### *12th February*

On the 12th February the following further resolutions were passed.

III. Whereas the Gorakhpur tragedy is a powerful proof of the fact that the mass mind has not yet fully realised the necessity of non-violence as an integral, active and chief part of Mass Civil Disobedience, and whereas the reported indiscriminate acceptance of persons as volunteers in contravention of the Congress instructions betrays want of appreciation of the vital part of Satyagraha and whereas in the opinion of the Working Committee the delay in the attainment of the national aim is solely due to the weak and incomplete execution in practice of the constitution of the Congress and with a view of perfecting the internal organisation.

The Working Committee advises all Congress organisations to be engaged in the following activities:

- (1) To enlist at least one crore of members of the Congress.

*Note (i):*—Since peace (non-violence) and legitimacy (truth) are the essence of the Congress creed, no person should be enlisted who does not believe in non-violence and truth as indispensable for the attainment of Swaraj. The creed of the Congress must therefore be carefully explained to each person who is appealed to, to join the Congress.

*Note (ii):*—The workers should note that no one who does not pay the annual subscription can be regarded as a qualified Congress man; all the old members are therefore to be advised to re-register their names.

- (2) To popularise the spinning wheel and to organise the manufacture of hand-spun and hand-woven Khaddar.



*Note (i):*—To this end all workers and office-bearers should be dressed in Khaddar and it is recommended that with a view to encourage others, they should themselves learn hand-spinning.

(3) To organise national schools.

*Note:*—No picketing of Government schools should be resorted to, but reliance should be placed upon the superiority of national schools in all vital matters to command attendance.

(4) To organise the Depressed Classes for a better life, to improve their social, mental and moral condition, to induce them to send their children to national schools and to provide for the ordinary facilities which the other citizens enjoy.

*Note:*—Whilst therefore where the prejudice against the untouchables is still strong in places, separate schools and separate wells must be maintained out of Congress funds, every effort should be made to draw such children to national schools and to persuade the people to allow the untouchables to use the common wells.

(5) To organise the temperance campaign amongst the people addicted to the drink habit by house to house visits and to rely more upon appeal to the drinker in his home than upon picketing.

(6) To organise village and town panchayats for the private settlement of all disputes, reliance being placed solely upon force of public opinion and the truthfulness of panchayat decisions to ensure obedience to them.

*Note:*—In order to avoid even the appearance of coercion no social boycott should be resorted to against those who will not obey the panchayat decisions.

(7) In order to promote and emphasize unity among all classes and races and mutual goodwill, the establishment of which is the aim of the movement of non-cooperation, to organise a social service department that will render help to all irrespective of differences in times of illness or accident.

*Note:*—A non-cooperator whilst firmly adhering to his creed, will deem it a privilege to render personal service in case of illness or accident to every person whether English or Indian.

(8) To continue the Tilak Memorial Swarajya Fund and to call upon every Congress man or Congress sympathiser to pay at least one-hundredth part of his annual income for 1921. Every province to send every month twenty five per cent of its income from the Tilak Memorial Swarajya Fund to the All India Congress Committee.

The above resolution shall be brought before the forthcoming session of the All India Congress Committee for revision if necessary.

## APPENDIX XI I

### *Resolutions Passed by the Working Committee at Ahmedabad on the 17th and 18th March 1922*

2. The Working Committee congratulates the country upon the exemplary self-restraint and peace observed throughout the length and breadth of the land on and since the arrest of Mahatma Gandhi, and trusts that the same dignified restraint will be continued during the trying times to which the people must look forward.

The Working Committee is of opinion that observance of perfect peace in the country at this moment of supreme trial is a striking proof of the progress of non-violence and is further of opinion that Mahatma Gandhi's arrest and the restraint observed by the country have considerably advanced the cause of the Khilafat, the Punjab and Swaraj.

The Working Committee desires to make it clear that Mahatma Gandhi's arrest makes no change in the programme recently laid down in the Bardoli-Delhi resolutions and calls upon all Congress organisations to devote themselves to the prosecution of the constructive programme laid down therein. The Working Committee warns the Provincial Committees against any hasty use of the powers conferred upon them in respect of individual civil disobedience whether defensive or aggressive.

The Working Committee regards the universal adoption of the spinning wheel and of the consequent use of hand-spun and hand-woven Khaddar as essential for the attainment of the country's goal and therefore urges all Congress and Khilafat organisations to prosecute the Khaddar programme much more vigorously than hitherto.

Inasmuch as the use of Khaddar apart from its great and undoubted political value is bound to give to millions of India's homes a steady cottage industry needed for the nation's spare hours and is calculated to supplement the slender resources of millions of half-starved poor people and is thus bound to establish a link between classes and masses the Working Committee hopes that men and women of all parties and races, inhabiting India irrespective of political colour will lend their hearty support and cooperation to the movement and to that end authorises Mian Mahomed Haji Jan Mahomed Chotani and Sjt. Jarnalal Bajaj to interview capitalists and others in order to put the growing national cottage industry on a sound economic basis.

## APPENDIX XI J

### *Resolution of the Working Committee Held at Bombay on 12th to 15th May 1922*

20. That the following Khaddar Scheme be adopted by the Committee:

The Working Committee resolves that in pursuance of the constructive programme now before the country, special efforts should be made by every province to stimulate the production and consumption of hand-spun and hand-woven khaddar on a sound organized basis.

With a view to help the provinces by way of loans and technical advice and to make available to each province the experience of other parts and to collect and disseminate useful information, the Working Committee resolves to entrust Seth Jamnalal Bajaj with the organization of a special department for which the Committee sanctions Rs. 17 lakhs.

The department shall consist of three divisions:

1. Technical instruction.
2. Production.
3. Sale.

Technical instruction will be provided for at the Saharmati Ashram under the direction of Mr. Maganlal Gandhi. Every province will be invited to send two or three students each to this institute for a six months' course, to be trained in all the processes of khadi production. Students trained in this institute will be engaged for the organization of khadi centres or similar training institutes in their respective provinces.

The Department of Production will aim at the co-ordination of inter-provincial work and the standardization of yarn or cloth. The Department will not ordinarily interfere with the administration of local organizations. Mr. Lakhmidas Purshottam will direct the department with the help of a staff of travelling inspectors.

The Sales department will open Khadi Stores in some select places where Provincial Congress Committees are unable to provide adequate facilities for consumers. Mr. Vithaldas Jerajani will be in charge of this department.

Seth Jamnalal Bajaj will be responsible for the co-ordination of the department and general propaganda work. He will be solely responsible for the administration of finances.

All applications for loans shall be forwarded by the provinces to Seth Jamnalal who will submit them to the Working Committee for disposal with his own recommendations, provided that in case of emergency Seth Jamnalal may grant loans not exceeding Rs. 5,000 in anticipation of the Working Committee's sanction.

In deciding applications for loans the Working Committee shall keep in view both the requirements of provinces and the extent of their investments in khadi in order to stimulate local effort and help deserving cases.

## APPENDIX XII

### *The Fatwa of the Ulema*

*Translation of Extracts from the Muttafiqa (Joint) Fatwa of  
the Ulema of India Pronounced in a Grand Meeting  
of the Jamiat-ul-Ulema Held at Delhi*

QUERY: What are the injunctions of the Muslim divines and lawyers of the Sacred Law regarding the following points:

2. Is it within the scope of cooperation:

- (a) to be a member of the different Councils of the Government of India;
- (b) to carry on the profession of a Vakil (lawyer) or a Mukhtar etc. (in British Courts);
- (c) to receive education through the Government or Government-aided Colleges or Schools; or to get children educated therein; or to receive Government aid or grant for Education; and
- (d) to hold the posts of Honorary Magistrates, and to receive titles from the Government?

ANSWER to question No. 2:

All those things fall within the scope of cooperation, because, they directly engender love for the Government and indirectly render help to it. Therefore, according to the injunctions of Tarke Mawalat (non-cooperation) it is incumbent on every Muslim to keep himself aloof from all these things. Even for reasons other than those of non-cooperation it is necessary for Mussulmans to give up all the aforesaid things.

Following are the grounds, briefly mentioned, for the above injunction:

### BOYCOTT OF COUNCILS

- (a) The object of these Councils—whether Legislative or Executive—is to strengthen the hands of the Government and to aid in its stability; and this is obviously rendering support to it.
- (b) Very often such acts are enacted in these Councils as are in conflict with the laws of Islam, and it is not lawful for a Mussulman to move for, or support such laws, or to observe silence with regard thereto, in spite of having a right to oppose such laws. The Prophet of God (Peace be on him!) says:

"If any one of you sees anything against the Shariat (the Code of Islam) it is binding on him to stop it by hand, and if he has not this power (of the hand) then by his tongue and if he cannot do this even then he should do so—(dislike it)—in his heart."

But Muslim members do all these things (viz. propose, or support such laws or keep silent) as is borne out by past events and the existing laws.

(c) Councils include members of the British nation also, which is tyrannical and an enemy of Islam. It is prohibited, according to the laws of Shariat, to occupy seats of honour by the side of such members. Allah says:

"Sit not with the tyrants after  
You come to know them."

(d) It is essential for the members of the Council to take an oath of allegiance and fidelity to the Government. In the present circumstances it is unlawful for a Mussulman to voluntarily and willingly declare himself faithful, obedient and a well-wisher of the Government. Therefore the oath of allegiance is Haram (forbidden) and is a great sin.

## APPENDIX XIII

### *Mahatma Gandhi's Statement before the Court*

Before reading his written statement, Mr. Gandhi spoke a few words as introductory remarks to the whole statement. He said:

"Before I read this statement I would like to state that I entirely endorse the learned Advocate-General's remarks in connection with my humble self. I think that he was entirely fair to me in all the statements that he has made because it is very true and I have no desire whatsoever to conceal from this Court the fact that to preach disaffection towards the existing system of Government has become almost a passion with me, and the learned Advocate-General is also entirely in the right when he says that my preaching of disaffection did not commence with my connection with "Young India," but that it commenced much earlier and in the statement that I am about to read, it will be my painful duty to admit before this Court that it commenced much earlier than the period stated by the Advocate-General. It is the most painful duty with me but I have to discharge that duty knowing the responsibility that rests upon my shoulders, and I wish to endorse all the blame that the learned Advocate-General has thrown on my shoulders in connection with the Bombay occurrences, Madras occurrences and the Chauri Chaura occurrences. Thinking over these deeply and sleeping over them night after night, it is impossible for me to dissociate myself from the diabolical crimes of Chauri Chaura or the mad outrages of Bombay. He is quite right when he says, that as a man of responsibility, a man having received a fair share of education, having had a fair share of experience of this world, I should have known the consequences of every one of my acts. I knew that I was playing with fire. I ran the risk and, if I was set free I would still do the same. I have felt it this morning that I would have failed in my duty, if I did not say what I said here just now.

I wanted to avoid violence. I want to avoid violence. Non-violence is the first article of my faith. It is also the last article of my creed. But I had to make my choice. I had either to submit to a system which I considered had done an irreparable harm to my country, or incur the risk of the mad fury of my people bursting forth, when they understood the truth from my lips. I know that my people have sometimes gone mad. I am deeply sorry for it and I am therefore here to submit not to a light penalty but to the highest penalty. I do not ask for mercy. I do not plead any extenuating act. I am here, therefore, to invite and cheerfully submit to the highest penalty that can be inflicted upon me, what in law is a deliberate crime and what appears to me to be the highest duty of a citizen. The only course open to you, the Judge, is as I am just going to say in my statement either to resign your post, or inflict on me the severest penalty, if you believe that the system and law you are assisting to administer are good for the people. I do not expect that kind of conversion, but by the time I have finished with my statement you will perhaps have a glimpse of what is raging within my breast to run this

maddest risk which a sane man can run."

The statement was then read out.

### STATEMENT

"I owe it perhaps to the Indian public and to the public in England, to placate which this prosecution is mainly taken up, that I should explain why from a staunch loyalist and cooperator I have become an uncompromising disaffectionist and non-cooperator. To the Court too I should say why I plead guilty to the charge of promoting disaffection towards the Government established by law in India.

My public life began in 1893 in South Africa in troubled weather. My first contact with British authority in that country was not of a happy character. I discovered that as a man and an Indian I had no rights. More correctly I discovered that I had no rights as a man because I was an Indian.

But I was not baffled. I thought that this treatment of Indians was an excrescence upon a system that was intrinsically and mainly good. I gave the Government my voluntary and hearty cooperation, criticising it freely where I felt it was faulty but never wishing its destruction.

Consequently when the existence of the Empire was threatened in 1899 by the Boer challenge, I offered my services to it, raised a volunteer ambulance corps and served at several actions that took place for the relief of Ladysmith. Similarly in 1906 at the time of the Zulu revolt I raised a stretcher-bearer party and served till the end of the 'rebellion'. On both these occasions I received medals and was even mentioned in despatches. For my work in South Africa I was given by Lord Hardinge a Kaiser-i-Hind Gold Medal. When the War broke out in 1914 between England and Germany I raised a volunteer ambulance corps in London consisting of the then resident Indians in London, chiefly students. Its work was acknowledged by the authorities to be valuable. Lastly in India when a special appeal was made at the War Conference in Delhi in 1918 by Lord Chelmsford for recruits, I struggled at the cost of my health to raise a corps in Kheda and the response was being made when the hostilities ceased and orders were received that no more recruits were wanted. In all these efforts at service I was actuated by the belief that it was possible by such services to gain a status of full equality in the Empire for my countrymen.

The first shock came in the shape of the Rowlatt Act, a law designed to rob the people of all real freedom. I felt called upon to lead an intensive agitation against it. Then followed the Punjab horrors beginning with the massacre at Jallianwala Bagh and culminating in crawling orders, public flogging and other indescribable humiliations. I discovered too that the plighted word of the Prime Minister to Mussulmans of India regarding the integrity of Turkey and the holy places of Islam was not likely to be fulfilled. But in spite of the forebodings and the grave warnings of friends, at the Amritsar Congress in 1919 I fought for co-operation and working the Montagu-Chelmsford reforms, hoping

that the Prime Minister would redeem his promise to the Indian Mussulmans, that the Punjab wound would be healed and that the reforms inadequate and unsatisfactory though they were, marked a new era of hope in the life of India.

But all that hope was shattered. The Khilafat promise was not to be redeemed. The Punjab crime was white-washed and most culprits went not only unpunished but remained in service and some continued to draw pensions from the Indian revenue, and in some cases were even rewarded. I saw too that not only did the reforms not mark a change of heart, but they were only a method of further draining India of her wealth and of prolonging her servitude.

I came reluctantly to the conclusion that the British connection had made India more helpless than she ever was before, politically and economically. A disarmed India has no power of resistance against any aggressor if she wanted to engage in an armed conflict with him. So much is this the case that some of our best men consider that India must take generations before she can achieve the Dominion Status. She has become so poor that she has little power of resisting famines. Before the British advent India spun and wove in her millions of cottages just the supplement she needed for adding to her meagre agricultural resources. This cottage industry, so vital for India's existence, has been ruined by incredibly heartless and inhuman processes as described by English witnesses. Little do town-dwellers know how the semi-starved masses of India are slowly sinking to lifelessness. Little do they know that their miserable comfort represents the brokerage they get for the work they do for the foreign exploiter, that the profits and the brokerage are sucked from the masses. Little do they realise that the Government established by law in British India is carried on for this exploitation of the masses. No sophistry, no jugglery in figures can explain away the evidence that the skeletons in many villages present to the naked eye. I have no doubt whatsoever that both England and the town-dwellers of India will have to answer, if there is a God above, for this crime against humanity which is perhaps unequalled in history. The law itself in this country has been used to serve the foreign exploiter. My unbiassed examination of the Punjab Martial Law cases has led me to believe that at least ninety-five per cent of convictions were wholly bad. My experience of political cases in India leads me to the conclusion that in nine out of every ten the condemned men were totally innocent. Their crime consisted in the love of their country. In ninety-nine cases out of hundred justice has been denied to Indians as against Europeans in the Courts of India. This is not an exaggerated picture. It is the experience of almost every Indian who has had anything to do with such cases. In my opinion the administration of the law is thus prostituted consciously or unconsciously for the benefit of the exploiter.

The greatest misfortune is that Englishmen and their Indian associates in the administration of the country do not know that they are engaged in the crime I have attempted to describe. I am satisfied that many Englishmen and Indian officials honestly believe that they are administering



one of the best system devised in the world and that India is making steady though slow progress. They do not know that a subtle but effective system of terrorism and an organised display of force on the one hand, and the deprivation of all powers of retaliation or self-defence on the other, have emasculated the people and induced in them the habit of simulation. This awful habit has added to the ignorance and the self-deception of the administrators. Section 124A under which I am happily charged is perhaps the prince among the political section of the Indian Penal Code designed to suppress the liberty of the citizen. Affection cannot be manufactured or regulated by law. If one has no affection for a person or system one should be free to give the fullest expression to his disaffection, so long as he does not contemplate, promote or incite to violence. But the section under which Mr. Banker and I are charged is one under which mere promotion of disaffection is a crime. I have studied some of the cases tried under it, and I know that some of the most loved of India's patriots have been convicted under it. I consider it a privilege, therefore, to be charged under that section. I have endeavoured to give in their briefest outline the reasons for my disaffection. I have no personal ill will against any single administrator, much less can I have any disaffection towards the King's person. But I hold it to be a virtue to be disaffected towards a Government which in its totality has done more harm to India than any previous system. India is less manly under the British rule than she ever was before. Holding such a belief, I consider it to be a sin to have affection for the system. And it has been a precious privilege for me to be able to write what I have in the various articles tendered in evidence against me.

In fact, I believe that I have rendered a service to India and England by showing in non-cooperation the way out of the unnatural state in which both are living. In my humble opinion, non-cooperation with evil is as much a duty as is co-operation with good. But in the past, non-cooperation has been deliberately expressed in violence to the evil-doer. I am endeavouring to show to my countrymen that violent non-cooperation only multiplies evil and that as evil can only be sustained by violence, withdrawal of support of evil requires complete abstention from violence. Non-violence implies voluntary submission to the penalty for non-cooperation with evil. I am here, therefore, to invite and submit cheerfully to the highest penalty that can be inflicted upon me for what in law is a deliberate crime and what appears to me to be the highest duty of a citizen. The only course open to you, the Judge, is either to resign your post and thus dissociate yourself from evil, if you feel that the law you are called upon to administer is an evil and that in reality I am innocent; or to inflict on me the severest penalty if you believe that the system and the law you are assisting to administer are good for the people of this country and that my activity is therefore injurious to the public weal."

## JUDGMENT

The following is the full text of the judgment:

"Mr. Gandhi, you have made my task easy in one way by pleading guilty to the charge. Nevertheless what remains, namely the determination of a just sentence, is perhaps as difficult a proposition as a judge in this country could have to face. The law is no respecter of persons. Nevertheless it will be impossible to ignore the fact that you are in a different category from any person I have ever tried or am likely to have to try. It would be impossible to ignore the fact that in the eyes of millions of your countrymen, you are a great patriot and a great leader. Even those who differ from you in politics look upon you as a man of high ideals and of noble and of even saintly life. I have to deal with you in one character only. It is not my duty and I do not presume to judge or criticise you in any other character. It is my duty to judge you as a man subject to the law, who by his own admission has broken the law and committed what to an ordinary man must appear to be grave offence against the State. I do not forget that you have consistently preached against violence and that you have on many occasions, as I am willing to believe, done much to prevent violence. But having regard to the nature of your political teaching and the nature of many of those to whom it was addressed, how you could have continued to believe that violence would not be the inevitable consequence, it passed my capacity to understand.

There are probably few people in India, who do not sincerely regret that you should have made it impossible for any government to leave you at liberty. But it is so. I am trying to balance what is due to you against what appears to me to be necessary in the interest of the public, and I propose in passing sentence to follow the precedent of a case in many respects similar to this case that was decided some twelve years ago, I mean the case against Bal Gangadhar Tilak under the same section. The sentence that was passed upon him as it finally stood was a sentence of simple imprisonment for six years. You will not consider it unreasonable, I think, that you should be classed with Mr. Tilak, i.e. a sentence of two years simple imprisonment on each count of the charge six years in all, which I feel it my duty to pass upon you and I should like to say in doing so that if the course of events in India should make it possible for the Government to reduce the period and release you, no one will be better pleased than I."

men and women but all the while Mr. Gandhi was smiling and cool and giving encouragement to everybody who came to him. Mr. Banker also was smiling and taking this in a light-hearted way. After all his friends had taken leave of him, Mr. Gandhi was taken out of the Court to the Sabarmati Jail. And thus the great trial finished.

### *Deshbandhu Das's Statement to his Countrymen*

The following Statement regarding his case was authorised by Deshbandhu to be published after judgment had been delivered. It was not made in Court but is meant for his countrymen:

### ARREST

I was arrested on the 10th of December. One of the two police officers, who came to my house, came upstairs. When I was ready to accompany him, I asked him whether there was a warrant? He said there was, but it was at the Police Office at Lal Bazar. I asked him what was the charge? He said Sec. 17(2) or something like it. I was then taken to Lal Bazar. No warrant was shown to me there. From there I was brought to the Presidency Jail. On Monday, the 12th, at about 11 a.m. a police officer came to my cell. I believe his name is Mr. Kidd. He told me that I was at that time in police custody and that my case had been remanded by the police till the next day. On making enquiries he further said that I had been arrested under no warrant of any Magistrate but on suspicion under Sec. 54 of the Code of Criminal Procedure, of having committed an offence under Sec. 17(2) of the Criminal Law Amendment Act. I asked whether there had been any amendment of the law since I left the Bar? He said, 'No,' Sec. 54 of the Cr. P. Code empowers a police officer to arrest on suspicion of any cognizable offence. The offence under Sec. 17(2) of the Criminal Law Amendment Act is non-cognizable. My arrest was, therefore, without any legal authority. Further I was produced before a Magistrate or rather a Magistrate was produced before me in front of my cell at about 5 p.m. on Monday, the 12th of Dec., i.e., at least 48 hours after my illegal arrest and detention.

### CHARGE

On the 20th January, a charge was framed against me. My trial took place in the Civil Jail at Alipore. On this date witness Mr. S.N. Banerjee was further examined and another new witness, Mr. Brewster, was examined. At the previous hearing, the Magistrate did not frame any charge as he said further evidence was necessary. On this occasion as soon as the evidence was recorded the Magistrate said he would frame a charge against me under Sec. 17 of the Criminal Law Amendment Act; and a copy of the charge was handed over to me. To my surprise I found that it had been typed from before. How could the Magistrate frame the charge without this additional evidence which was adduced on this date in the Civil Jail? Was the Magistrate privately apprised of the nature of the evidence which was coming or had the Magistrate made up his mind from the very beginning that he would convict?

The charge itself is representative of the farcical nature of the trial. It is merely a repetition of the wording of the Section. It indicates clearly that neither the Public Prosecutor nor the Magistrate had any idea as to how the evidence before the Court could amount to a criminal offence. It was, therefore, found safer to insert in the charge all the words of the Section.

The evidence adduced against me was purely documentary. It consisted of some of the messages which appeared in the newspapers and the letter sending one of these messages to the Press. The proof of my case thus depended upon the proof of the signatures which the prosecution alleged were mine. To prove these signatures, the prosecution at first called Mr. S N. Banerjee, who is a Deputy Superintendent of Police, Special Branch. He for a very short time came to instruct me in the Munitions Board Case. I doubt if he ever noticed my writing. He is certainly not acquainted with my handwriting or signature. The model, which he has put in being the receipt of my fees from the Munitions Board—Ex. 15(1), was not signed in his presence, although the signature is undoubtedly mine. He said that he had seen my signature more than once. He did not say when, how, how many times or under what circumstances. The Magistrate did not think it necessary to ask him these questions, although my case was not being defended. This witness 'believed' the following signatures were mine: Ex. 4(1), Ex. 10(1), Ex. 11(1), 11(2), and (Ex.) 1(1). Of these signatures, Mr. Brewster says Exs. 11(1) and 12(1) are not in my handwriting.

The next witness is Mr. Brewster. He said that he had seen me write. When, how, or under what circumstances, he did not say, nor did the Magistrate think it necessary to put any questions to him to test his capacity to depose as to my handwriting. He says he saw me write once at Alipore and once at Arrah. On both these occasions, he appeared as an expert witness and I cross-examined him. How could he, when he was under cross-examination, snatch an opportunity to be acquainted with my handwriting and specially my signatures has been a puzzle to me. I assert he is not acquainted with either my handwriting or my signature. In his capacity of a witness who is personally acquainted with my handwriting and signature, he proves Ex. 4(1), 10(1) and Ex. 11(2) (both the signature as well as the three lines written above). Then, in his capacity as an expert, he says that these signatures, that is, Exs. 4(1), 10(1) and 11(2), including the three lines written above, are in the same handwriting as the model Ex. 15(1). With regard to his evidence as an expert, all that is necessary to point out is that he made no photographs of the disputed handwritings and the signatures. It is, therefore, not giving expert testimony.

I assert that not one of the signatures deposed to by these witnesses, is mine, nor are the three lines written above the signature, Ex. 11(2), Ex. 4(1) and Ex. 10(1) are signatures made by Sj. Anil Kumar Ray. Ex. 11(1) is signatures made by Sj. B. N. Sasmal and both Ex. 11(2), the signature and the three lines of writing above it, are in the handwriting of Sj. Hemendra Nath Das Gupta. Ex. 12(1) is signed by somebody in

the office—it is certainly not my signature.

But although the signatures and writings are not mine I accept the full responsibility regarding the messages. The bureaucracy had me arrested illegally. The Magistrate draws up a charge of the description and proceeds on evidence of handwriting which is extremely amusing. Further, this must be borne in mind that it is necessary for the prosecution to establish that I was a member of an organisation which was an existing organisation on the date the communique bears (i.e. the 18th of November 1921) and which had been proclaimed by the communique. The record against me is destitute of any such evidence. I assert that no such associations as are mentioned in the charge ever existed in the Presidency of Bengal and I say further that the Volunteer organisation which I called into being in pursuance of the resolution of the Working Committee of the Congress, shortly after the publication of the communique, was a perfectly peaceful and non-violent organisation and this organisation has not up till now been proclaimed as an illegal association.

### *Statement of Pandit Jawaharlal Nehru*

I am making this statement not in order to defend myself against the various charges brought against me but to define my position and to state the motives which have induced me to act in the manner I have done. I have refused to plead guilty or not guilty and I have declined to participate in this trial by cross-examination of witnesses or otherwise. I have done so because I do not recognise this court as a court where justice is administered. I mean no disrespect to the presiding officer when I say that so far as political offences are concerned the courts in India merely register the decrees of the executive. They are being used today even more than ever before to prop up the fabric of a Government which misgoverned India long enough and which has to resort to these tactics now in an attempt to restore a prestige which is gone for ever.

I stand here charged with criminal intimidation and abetment of an attempt to extort. The warrant of my arrest bears also the familiar Section 124A, although I am not being tried for it to-day. I propose however to make a comprehensive statement. I cannot divide myself up into various compartments, one for picketing another for sedition and yet another perhaps for volunteering. All my activities have but one end in view and that end I have striven to attain with all the strength and energy that is in me.

Less than ten years ago I returned from England after a lengthy stay there. I had passed through the usual course of public school and university. I had imbibed most of the prejudices of Harrow and Cambridge and in my likes and dislikes I was perhaps more an Englishman than an Indian. I looked upon the world almost from an Englishman's standpoint. And so I returned to India as much prejudiced in favour of England and the English as it was possible for an Indian to be.

To-day, ten years later, I stand here in the dock charged with two offences and with a third hovering in the background—an ex-convict

who has been to jail once already for a political offence, and a rebel against the present system of government in India. This is the change which the years have wrought in me. It is not necessary for me to recite the reasons for this change. Every Indian knows them; every Indian has felt them and has hung his head in shame for them. And if he has retained a spark of the old fire in him, he has taken a solemn pledge to strive unceasingly for India's freedom, so that his countrymen may never again be subjected to the miseries and humiliations that are the lot of a subject people. To-day sedition against the present Government in India has become the creed of the Indian people, to preach and practise disaffection against the evil which it represents has become their chief occupation.

I am charged with criminal intimidation and attempted extortion. I have wondered if these charges were seriously meant. The sections of the Code which have been applied bear no relation to the facts even as disclosed by the prosecution evidence. I presume that the signal success that has attended our efforts in Allahabad has induced the authorities to take some action against the picketers. If peaceful picketing for a lawful object is a crime then indeed I am guilty of having advised it and helped in it. But I have yet to learn that peaceful picketing has become an offence even under the laws of British India. Our object in picketing was to make the cloth-dealers adhere to the pledges they had jointly taken. Does anyone believe that we could achieve success in this by criminal intimidation and extortion? All the world knows that our strength lies in the support of our people and the goodwill of our countrymen. Our weapons are not the old time ones of force and coercion. The weapons which our great leader has put in our hands are those of love and self-sacrifice. We suffer ourselves and by our suffering seek to convert our adversary.

Criminal intimidation involves a threat of injury to a person or his property, and injury denotes harm "illegally" caused. So also extortion must include the putting of any person in fear of "injury" and thereby "dishonestly" inducing him to part with property. I have listened to the Prosecution evidence with interest in order to find out on what ground these novel charges were based. What was the injury to any person or property, that was threatened? What was the harm "illegally" caused? Where in lay the dishonesty of any of us? I have not heard a single allegation yet made, much less proved, which suggests that we have caused injury to any person or property, caused any harm illegally or acted dishonestly. Not a single prosecution witness, including the police and the C.I.D. has made such an allegation. In the whole of Allahabad there was found no person, of the thousands who must have witnessed the picketing, who could bring the charge of any intimidation against us, or even a harsh word uttered by one of our picketers. No greater proof of our triumph can be given than this unsought testimony of the police and the C.I.D. Our picketing has been, I make bold to say, a model of its kind, perfectly peaceful, perfectly courteous relying on entreaties and exhortations and not even hinting at any force or intimidation. The cloth-dealers, who are alleged to have been intimidated by us are pre-

sumably the aggrieved party. But not one of them has complained.

Ten months ago, the cloth-dealers of Allahabad took a solemn pledge to refrain from purchasing foreign cloth till the end of 1922. All the signatories to the pledge, and they included almost every cloth-merchant in the city constituted themselves into an association styled the "Viyapari mandal" and elected office-bearers and a committee. The first business of the "mandal" was to lay down that every member who broke his pledge and purchased foreign cloth would have to pay a certain penalty and in case he refused to do this, picketing would be resorted to. The committee of the "mandal" was to determine in each individual case how much foreign cloth had been brought and what the penalty was to be. On several occasions during the past year the "mandal" committee considered such breaches of the pledge and imposed and recovered fines in accordance with their rules. Occasionally at their request picketing was also resorted to. Two months ago a large quantity of foreign cloth was purchased by some of the cloth-dealers in Allahabad. This was in contravention of the pledge and the shops of some of these cloth-dealers were picketed. Later the committee of the "Viyapari mandal," newly reconstituted, assessed the fines on the merchants who had broken their pledges and themselves collected this money, which lies at the disposal of the mandal. To the best of my knowledge two of the gentlemen who have given evidence for the prosecution in this case are members of the committee of the mandal, and as such they must have themselves helped in the assessment and collection of the fines.

These are the facts relating to picketing in Allahabad. It is clear beyond doubt that there was neither any intimidation nor any attempt at extortion. The present prosecution is really an attempt to suppress lawful and peaceful picketing under cover of charges of intimidation and extortion. Picketing has been going on all over India for many months. It has taken place in many cities and bazars in the province. Here in this very city of Allahabad we have repeatedly resorted to it. And yet Government took no action against it as such. They knew well that in India as in England peaceful picketing is no crime. Of course, it is open to them by a stroke of the pen to make even peaceful picketing illegal. But whether they do so or not we shall not give it up. To entreat and exhort and advise others to follow a certain line of action or to abstain from doing something is a right which we will not abandon, whatever the Government may do. We have few rights and privileges left in this country and even these are sought to be taken away. We have shown to the world how we value the right of free association, and we have continued our [recruitment of] volunteers in spite of thousands of arrests and all Government notifications to the contrary. We will not and we cannot submit to any restriction of our right of free speech. A quarter of a century ago, a great English judge stated in the House of Lords with reference to this right of free speech: "A man has a right to say what he pleases, to induce, to exhort, to command, provided he does not slander or deceive or commit any other of the wrongs known to the law of which speech may be the medium. Unless he is thus shown to have abused

his right, why is he to be called upon to excuse or justify himself because his words may interfere with some one else in his calling." This right of free speech we shall cling to, whatever the cost.

I am glad for many reasons that I am being tried for picketing. My trial will bring the question of the boycott of foreign cloth even more to the front and I am confident that when the people of Allahabad and the province realise the full significance of this boycott, they will discard all foreign cloth, treat it as unholy and the touch of it almost as a pollution. If they pondered over the evils and the misery and the poverty that foreign cloth has brought to this long suffering country, perhaps they would feel some of the horror I feel at the thought of wearing it. They will not bring forth arguments that old clothes have to be worn out or that festivities require fine clothing. They would know that the salvation of India and her hungry millions demanded the use of the charkha and the wearing of khaddar, and they would cast out all foreign cloths and consign them to the flames or to the dustbin. I pray that the cloth-merchants of Allahabad will adhere to their sacred pledges twice taken, and do their utmost to bring about a complete boycott of foreign cloth in this ancient and holy city. Some of these cloth-dealers have given evidence for the prosecution in this case. I have no grievance against them. I shall suffer most gladly any imprisonment that may be awarded me if I know that thereby I have touched their hearts and won them over to the great cause. And I would appeal to the public of this city and province and earnestly request them to do this much for their country—wear khaddar and ply the charkha.

My co-accused and I are charged with intimidation and extortion. I should like the police and Government officials to examine their own consciences, to search deep down into their hearts and say what many of them have done during the past year and a half. Intimidation and terrorism, bribery and extortion, have been going on over the length and breadth of the province. And the persons guilty of them have not been Congressmen or our volunteers but the underlings of the Government who have indulged in them frequently with the knowledge and approval of their superiors. Yet they are not tried or punished. They are patted on the back and praised and promoted.

My colleagues and I have seen and personally investigated acts of terrorism and inhumanity. We have seen how men and women have been subjected to the uttermost humiliation. We have seen how terror reigns in Sitapur. We have investigated the brutalities of Shohratganj and we know how hundreds of Ballia's gallant workers have been sent to jail for the sole offence of being Congress office-bearers or other principal workers of the Congress. And the poor downtrodden kisans with the haunted hopeless look in their eyes, working away like the heast of the field from morning to nightfall, so that others may enjoy the fruits of their labour. We have seen them harassed and made utterly miserable till life became [a burden] almost too heavy to be borne. I need not refer to individual districts. Almost every one of them has the same sad and splendid tale to tell.



Intimidation and terrorism have become the chief instruments of Government. By these methods they seek to keep down a people and to suppress their disaffection. Do they imagine that they will thus instil affection for themselves in the people or make them loyal instruments of their imperialism? Affection and loyalty are of the heart. They cannot be purchased in the market place, much less can they be extorted at the point of the bayonet. Loyalty is a fine thing. But in India some words have lost their meaning and loyalty has come to be almost a synonym for treason to the motherland, and a loyalist is he who is not loyal to his God or his country but merely hangs on to the coat-tails of his alien master. To-day however we have rescued the word from the depths and in almost every jail in India will be found true loyalists who have put their cause and their faith and their country above everything else and have been true to them despite all consequences. To them has come the great call; they have seen the vision of freedom and they will not rest or turn away till they have achieved their heart's desire. England is a mighty country with her armies and her navies but to-day she is confronted with something that is mightier. Her armies and her navies have to face the suffering and the self-sacrifice of a nation determined to be free and no man can doubt what the issue of such a struggle must be. We are fighting for our freedom, for the freedom of our country and faith. We desire to injure no nation or people. We wish to have no dominion over others. But we must be perfectly free in our country. England has wronged us cruelly during the past 150 years or more. And even yet she has not repented, and mended her ways. India gave her a chance a year and a half ago but in the pride and arrogance of her physical might she has not taken it. The people of India have tried her and they have passed judgment and from that decree there is no turning back. India will be free, of that there is no doubt but if England seeks the friendship of a free India she must repent and purge herself of her many sins, so that she may be worthy of a place in the coming order of things.

I shall go to jail again most willingly and joyfully. Jail has indeed become a heaven for us, a holy place of pilgrimage, since our saintly and beloved leader was sentenced. Big-bodied, great-hearted Shaikat Ali, bravest of the brave and his gallant brother are there and so are thousands of our co-workers. One feels almost lonely outside the jail, and selfishness prompts a quick return. Perhaps I shall be awarded a long term of imprisonment this time. Whether this is so or not, I shall go with the conviction that I shall come out to greet Swaraj in India.

I have said many hard things about the British Government. For one thing however I must offer it my grateful thanks. It has given us a chance of fighting in this most glorious of struggles. Surely few peoples have had such an opportunity given them. And the greater our suffering, the more difficult the tests we have to pass, the more splendid will be the future of India. India has not survived through thousand of years to go down now. India has not sent her noblest and best, twenty-five thousand of her sons, to the jails to give up the struggle. India's future is assured. Some of us, men and women of little faith, doubt and hesitate

occasionally, but those who have vision can almost see the glory that will be India's.

I marvel at my good fortune. To serve India in the battle of freedom is honour enough. To serve her under a leader like Mahatma Gandhi is doubly fortunate. But to suffer for the dear country! What greater good fortune could befall an Indian, unless it be death for the cause or the full realisation of our glorious dream.

Jawaharlal Nehru

May 17, 1922

*Extracts from the English Translation of Maulana Abul Kalam Azad's  
Statement (in Urdu) before the Court. Mahatmaji Called it  
"A Great Statement"*

"I had no intention of submitting here any statement oral or written. This is a place in which there is for us no hope, no demand, and no grievance of any sort. This is a turn, without passing through which, we cannot reach our goal. . . non-cooperation is essentially the result of absolute desperation at existing circumstances. . . I want to make it quite distinct that the term non-cooperation applies only to the Government, its administrative system and its executive and political principles and not to any persons or individuals.

"Like most occurrences of the present era this movement also is nothing novel. History bears ample testimony to the fact that whenever a ruling authority has taken up arms against liberty and truth, courts of justice have lent themselves admirably to purposes of a most facile and unfailing weapon for the practice of such iniquity. The authority of the law courts is a power which can be used equally to do justice and to pervert justice. In the hands of an equitable Government they are the best instruments of justice and truth; but in the hands of tyrannical and autocratic Government no weapon is deadlier than these for purposes of revenge and iniquity. No pure-minded and truth-loving section of humanity can be found, including even the inventors and savants of science, which has not some time or other stood in the dock before a court of law. . .

"The iniquities of courts of law constitute an endless list and history has not yet finished singing the elegy of such miscarriages of justice. In that list we observe a holy personage like Jesus who had to stand in his time before a foreign court convicted even as the worst of criminals. We see also in the same list Socrates who was sentenced to be poisoned for no other crime than that of being the most truthful persons of his age. We meet also the name of that great Florentine martyr to truth, the inventor of the telescope, Galileo, who refused to belie his observations and researches merely because their avowal was a crime in the eyes of constituted authority. . . When I ponder on the great and significant history of the convicts' dock and find that the honour of standing in that place belongs to me to-day, my soul, becomes steeped in thankfulness and praise of God. . .

"The bureaucracy in India is nothing more nor less than the domination

which powerful individuals will always normally attain over a nation decaying by its own neglect and internal weaknesses. In the natural course of things such dominant authority cannot possibly countenance any nationalistic awakening or agitations for progress, reform or justice. And as such agitation would spell the inevitable downfall of its dominant power, it seeks to kill all agitation by declaring it a crime against constituted authority. No power would tamely submit to movements likely to bring about its own decline, however much such decline might be in the ultimate interests of justice. This posture of affairs is merely a struggle for existence in which both sides fight desperately for their principles. An awakened nation aspires to attain what it considers its birthright and the dominant authority would fain not budge an inch from its position of unquestioned sway. The contention might almost be advanced that the latter party even like its opponents is not open to any blame in as much as it is merely putting up a fight for its own survival and it is quite an incidental matter that its existence happens to be inimical to perpetuation of justice. We cannot deny facts of human nature and its inseparable characteristics. Like good, evil also desires to live in this world and struggle for its own existence. In India also such a struggle for the survival of the fittest has already commenced. Most certainly, therefore, nothing can be a higher crime against the domination of Government, as at present established, than the agitation which seeks to terminate its unlimited authority in the name of liberty and justice. I fully admit that I am not only guilty of such agitation but that I belong to that band of pioneers who originally sowed the seed of such agitation in the heart of our nation and dedicated their whole lives to the cherishing and breeding of this bold discontent. . .

"The history of politics teaches us that foolishness and recklessness of consequences are always the companions of a decadent power. The Government thought that by sheer repression it would annihilate the Khilafat and the Swaraj movements and stop the hartal of the 24th. Accordingly it declared the Volunteer Corps to be unlawful and many workers were indiscriminately arrested. It fancied that the Khilafat and the Congress Committees would become lame and inactive by the mere arrest of the executive and the prohibition of the Volunteer Corps. Thus would the hartal be automatically stopped. But very soon the Government came to learn that repression when practised against national awakening is no fatal thing for a nation but instead breathes new life into it. Neither was the hartal stopped, nor did the Khilafat and the Congress Committee become moribund, nor was the work of the volunteer stopped even for a single day. . .

"According to my belief it is my duty to speak out at the present moment and I cannot fall short of the full performance of my duty, just because it might be construed into a crime. . . . Most certainly I have stated that the present Government is oppressive. If I do not say this, what else am I to say? I fail to understand why it should be expected of me that I should call things by any but their right names. I refuse absolutely to call black white. . . . I have certainly been asserting that

only two paths are open to us in this matter of our duty. The Government has to refrain from all this iniquity and deprivation of liberty; or if it cannot bring itself to do so, it has to be wiped off. . . . I believe in the evils of the present Government most assuredly. I could not at the same time pray that it may not mend its ways and yet be long lived. . .

"Now what is the reason that such is the firm belief of myself and of millions of my countrymen? The reasons for this have now become so patent to common knowledge that in the words of Milton, 'Next to the Sun itself they are about the clearest and most manifest fact in existence.' About such universal facts all that I can say is don't deny them. I will only add that this faith of mine exists because I am an Indian, because I am a Muslim and first and last because I am a man.

"It is my belief that liberty is the natural and God-given right of man. No man and no bureaucracy consisting of men has got the right to make the servants of God its own slaves. However attractive be the euphemism invented for 'subjugation' and 'slavery', still slavery is slavery and it is opposed to the will and to the canons of God. I therefore do not consider the bureaucracy of India to be a legitimate sovereign and I consider it a bounden duty to liberate my country from its yoke. The notorious fallacies of 'Reform' and 'gradual transference of powers' can produce no illusions and pitfalls in my unequivocal and definite faith. Liberty being the primary right of man, it is nobody's personal privilege to prescribe limits or apportion shares in the distribution of it. To say that a nation should get its liberty in graduated stages is the same as saying that an owner should by right receive his property only in bits and a creditor his dues by instalments. . . . Whatever philanthropic acts might be performed by a man who has usurped our property, his usurpation would still continue to be utterly illegal.

"Evil cannot be classified into good and bad. All that is in fairness possible is to fix its gradations with respect to quality. For instance we can say very heinous robbery and less heinous robbery, but who can speak of good robbery and bad robbery? I cannot, therefore, at all conceive of any justification for such domination because by its very nature it is an act of iniquity. . .

"Such is my duty as a man and as an Indian and religious injunctions have also taught me the same lesson. In fact in my view the greatest proof of the truth of my religion is that it is another name for the teaching of the rights of man. I am a Mohammedan and by virtue of being a Mohammedan this has become my religious duty. Islam never accepts as valid a sovereignty which is personal or is constituted of a bureaucracy of a handful of paid executives. Islam constitutes a perfected system of freedom and democracy. It has been sent down to get back for the human race the liberty which has been snatched away from it. Monarchs, foreign dominations, selfish religious pontiffs and, powerful sections had alike misappropriated this liberty of man. They had been fondly nursing the belief that power and possession spell the highest right. The moment Islam appeared, it proclaimed that the highest right is not might but right itself. No one except God has got the right to make

serfs and slaves of God's creatures. All men are equal and their fundamental rights are on a par. He only is greater than others, whose deeds are the most righteous of all. . .

"The sovereignty of the Prophet of Islam and of the Khalif was a perfected conception of democratic equality and it only could take shape with the whole nation's free will, unity, suffrage and election. This is the reason why the sovereign or president of a republic is like a designated Khalif; Khilafat literally means nothing more nor less than a representation; so that all the authority a Khalif possesses consists in his representative character and he possesses no domination beyond this representative authority.

"If then Islam defines it as a duty of Mohammedans to refuse to acknowledge the moral justification even of an Islamic Government, if full play is not granted in it to the will and franchise of the nation, it is perfectly superfluous to add what under Islam would be the ruling given about a foreign bureaucracy. If to-day there was to be established in India an Islamic Government but if the system of that Government was based upon personal monarchy or upon bureaucratic oligarchy, then to protest against the existence of such a Government would still be my primary duty as a Mohammedan. I would still call the Government oppressive and demand its replacement.

"I frankly confess that this original conception of Islamic sovereignty could not be uniformly maintained in its primal purity on account of the selfishness and personal domineering of the later Mohammedan sovereigns. The mighty magnificence of the Emperors of ancient Rome and of the Shahs of Persia had attracted the Mohammedan sovereigns powerfully to the dubious glory of great monarchical empires. They began to prefer the majestic figures of a Kaiser or a Khosroe to the simple dignity of the original Khalifs clad often times in old tattered cloaks. No period of the dynastic sovereignties of Islam has however failed to produce some true Muslim martyrs who have made public declarations of the tyrannies and transgressions of such monarchies and had joyfully and triumphantly suffered all miseries and hardships which inevitably confronted them in the thorny paths of duty.

"The holy prophet of Islam has preached the following doctrine to the Muslims: 'The man is blessed with the best of deaths who proclaims the truth in the face of a tyrannical administration and is slaughtered in punishment of this deed.' The Scripture of Islam, the holy Quran, defines the greatest attribute of the true Muslims to be 'that they fear not any being except God and whatever they consider to be the truth, they reckon not any authority in the public proclamation of such truth.' The Quran further defines the national characteristics of the Muslims as follows: 'They are the witnesses to truth on God's earth.' As long therefore as they continue to be Muslims they cannot desist from giving this public evidence. In fact it has designated Muslims as witnesses i.e. givers of the evidence of truth. When the prophet of Islam extracted a promise of righteousness from any person, one of the clauses of such a bond used to be, 'I will always proclaim the truth in whatever condition and where-

ever I may happen to be.' . . .

"An outstanding object lesson in speaking the truth which their national history presents to the Muslims is to be found in the order of an autocratic monarch by which each organ of a victim's body was cut off. The charge against the victim was that he had proclaimed the iniquity of the tyrant. Firm as a rock he stood and took his punishment in all its heinous stages, but his tongue right on in the moment when it was severed went on proclaiming that autocrat was a tyrant. This is an incident of the reign of the Emperor Abdul Malik whose domain extended from Syria to Sind. Can any one then attach any weight to a sentence under Section 124 as compared to this terrible penalty? I concede that it is the moral decadence of Muslims and their renouncing the real Islamic life that is responsible for the bringing about of this fallen state.

"While I am penning these lines I know there is still living in India many a Muslim who through his weakness pays homage to this very tyranny. But the failure of man to act up to the spirit of certain tenets cannot belie the intrinsic truth of those principles.

"The tenets of Islam are preserved in its scriptures. This under no circumstances, make it permissible for Muslims to enjoy life at the expense of liberty. A true Muslim has either to immolate himself or to retain his liberty, no other course is open for him under his religion. To-day the Muslims have come to a firm decision that in freeing their country from its slavery they will take their fullest share along with their Hindu, Sikh, Parsi and Christian brethren. . . . It is now their belief that to expect any justice from the British Government would be nothing but pure self-deception so that if they really aspire to obtain justice there is only one single avenue leading to it which is the attainment of Swaraj—meaning the Government of India for India and by the Indians themselves. In short on these points my admissions have ever been absolutely clear and unequivocal.

"The present Government is a most illegitimate form of bureaucracy. It is openly spurning the wishes and aspirations of millions of humanity. It has always given the preference over justice to prestige. . . . Does tyranny acquire a right to be given a different name simply because it happens to be powerful and to possess—jails?

"In the words of the good and truthful national hero of Italy, Joseph Mazzini, I repeat 'we cannot possibly deny your evil doings just because temporal power happens to be your possession for a time'. . . .

"Continuously in the last twelve years I have been training my community and my country in demanding their rights and the liberty, I was only 18 years old when I first started speaking and writing on this theme. I have consecrated my whole being to it and sacrificed the best part of my life, meaning the whole of my youth in my infatuation for this ideal. For four years I have suffered internment but during my internment even, I have never desisted from pushing on my work and inviting people to this national goal. This is the perennial mission of my life and if I live at all I elect to live only for this single purpose. Even as the Quran

says, 'My prayers and my observances and my life and my death are all for my Lord, the God of the Universe. I am the first pioneer in this latest phase of that Islamic movement in India which has created a tremendous revolution in the political world of the Indian Muslims and has gradually elevated them to the pinnacle of national consciousness on which they are seen to-day. In 1922 I started an Urdu journal, the *Al-Hilal*, which was the organ of this movement and the object of the publication of which was mainly what I have declared above. It is an actual fact that within the three years it had created a new atmosphere in the religious and the political life of Mohammedans of India.

"In this war of liberty and justice, I have adopted the path of non-violent non-cooperation. Opposed to us stands an authority armed with the complete equipment for oppression, excess and bloodshed. But we place our reliance and trust, next to God, only on our own limitless power of sacrifice and unshakeable fortitude.

"Unlike Mahatma Gandhi my belief is not that armed force should never be opposed by armed force. It is my belief that such opposing of violence with violence is fully in harmony with the natural laws of God in those circumstances under which Islam permits the use of such violence. But at the same time for purpose of liberation of India and the present agitation, I entirely agree with all the arguments of Mahatma Gandhi and I have complete confidence in his honesty. It is my definite conviction that India cannot attain success by means of arms nor is it advisable for it to adopt that course. India can only triumph through non-violent agitation and India's triumph will be a memorable example of the victory of moral force.

"This is the reason why I have always preached to the masses peaceful agitation and have invariably prescribed it as the first postulate of success. This would appear distinctly from these speeches also. I am one of the handful of Muslim leaders who can honestly claim that if it was not for the determined and effective control that they have exercised in keeping the Muslim public within the bounds of non-cooperation, there is no knowing where the excitement of the mobs, under the recent trying provocations, may not have led them and what grave situations may not have taken shape with respect to the Khilafat problem.

"What I have stated in the beginning I will repeat in conclusion, that what the Government is doing with us to-day is no extraordinary procedure for which it can be particularly blameable. It is second nature to every usurping authority to put up a determined opposition and repression, to suppress national awakening and we know that human nature cannot be altered to suit our own end. This natural failing finds expression equally in individuals and communities. How many people are there in this world who would give back any article which they had already got in their possession for the mere reason that they are not legitimately entitled to it? How then can we nurse a fond hope of such voluntary surrender with respect to a whole continent? Power also is not normally prone to admit facts just because they are logical and proved. As a matter of fact it waits for the emergence of a counter-strength and when this does present

itself, it bows its head down before the most improper demand. Patience therefore and a tug of war of strength are unavoidable.

"This position is one which should be accepted as a normal and every-day occurrence without surprise and without demur. I will even go the length of admitting that the present repression is certainly not too drastic as compared to the worst instances of inhuman oppressions and terrible persecutions which history presents to us. I am not quite certain whether this is due to immaturity of the national sense of sacrifice or to the imperfect development of the present system of repression. The future alone will decide this. Just as the beginning of such political tug of war has uniformly been on more or less similar lines, even so its end has been the same in the history of all nations. I know that if our spirit of liberty and justice proves by actual demonstration to be real and unconquerable, this very Government which is to-day putting us into the dock, will be obliged to give us a right royal reception as triumphant patriots. . .

Before I conclude my statement, I want to say a few words about those countrymen of mine who are working against me in this prosecution. Previously I have stated somewhere that the work of the C.I.D. is a combination of ignorance and trickery. This I have said from the personal experience that I have gained from countless prosecutions. All the same, however, I admit that all the C.I.D. people who have given evidence against me have not deliberately made any lying statements, barring perhaps the confidence which they have expressed in their own work. . . I believe that the confidence which they have expressed on the results of their own work and the motives which have dictated their actions are certainly sinful. But at the same time I also know their weakness. They are only doing this for the sake of the appointments which bring them a few rupees and their only crime is that they do not possess the moral courage to give preference to truth over everything else. In my heart, therefore, lingers no rancour or accusation.

### *Statement of Lala Lajpat Rai*

It will be remembered that Lala Lajpat Rai made no statement, written or oral, in the second case against him in which he was convicted. He has, however, issued a statement to his countrymen with the object, as he states, not of proving his innocence nor of asking for mercy or even sympathy, but of proving how ignorant of law certain law officers of the Crown and Magistrates are in the Punjab and how forms of law are sometimes used for political purposes. Lalaji by referring to the possible contention that the non-cooperators having refused to recognise the authority of this Government and its courts are outlaws and are not entitled to any rights and privileges under the law and from the courts. This contention, he says, would be very weighty if the Government were to say so. In the latter case he would have no complaint. His complaint is that officers of Government pretend to proceed in accordance with law and yet disregard it and proceed high-handedly. After pointing out the grave danger to the liberty of the subject involved in this procedure Lalaji continues:



"In illustration of these remarks, I propose to give in detail the facts relating to my arrest, trials, convictions and treatment in jail, as I find that some of these have not been reported or have not received that attention which they deserve. At one time I contemplated filing this in court as a written statement but seeing the demeanour of the Magistrate, I have decided not to do so and let him and the Law Officers of the Crown have their own way.

Within the last 3 months I have been twice arrested and according to my view of the law both the arrests were illegal. The first time I was arrested on the 3rd of December 1921 along with three other members of the Provincial Congress Committee, because I had attended and taken part in a meeting which the Deputy Commissioner of Lahore had prohibited under the Act for the Prevention of Seditious Meetings, and because we had refused to disperse when ordered to do so. In connection with this arrest, the following facts may be noted:

(1) That after we had been arrested and removed, the meeting was continued and the Superintendent of Police, Lahore, used "force" in dispersing it.

(2) That the persons arrested were (1) myself, President of the Punjab Provincial Congress Committee (2) Pandit K. Santanam, General Secretary of the Punjab Provincial Congress Committee (3) Doctor Gopi Chand, Secretary of the City Congress Committee and (4) Malik Lal Khan, one of the Secretaries of the Central Khilafat Committee, Punjab. Now, while the arrest of myself, and that of Pandit K. Santanam were perfectly intelligible as of persons responsible for having convened the meeting, it has been explained why of all persons present at the meeting, only Nos. 3 and 4 were selected for the honour of arrest. In the meeting were present other secretaries of the Punjab Provincial Congress Committee, the members of the Council, the members of its Working Committee and several people who were known to the Government as those who "habitually made inflammatory speeches" and were "agitators" and "disturbers of public peace" and who certainly occupied a much more prominent position in the political life of the Province than poor Dr. Gopi Chand. Dr. Gopi Chand is neither a speaker nor writer. He has never been out of Lahore on any political errand. He made no speech in the presence of the District Magistrate nor took any prominent part in the meeting, except being present there, and recording his vote in favour of the resolution passed. Was he selected because he had made himself obnoxious to the District Magistrate by opposing him in the Municipal Committee? In his evidence in the case, the District Magistrate stated that "Doctor Gopi Chand knew him to be the District Magistrate, because he was a member of the Municipal Committee." Does that fact explain why he was picked out for arrest? Was it to cut short his activities in connection with the municipality?

(3) That the arrests were made at about 2-10 p.m. We were taken to the Government Telegraph Office where the military and armed police were in attendance. A Magistrate had also been called in. Sitting in

the verandah of the Telegraph Office admission to which had been denied to our relatives and to the reporters, we could see that some consultations were going on, which lasted 2 hours. The Magistrate, who afterwards tried us, was all the time present in the premises, and for aught we know, might have taken part in the consultation. At about 5 o'clock we were presented before the Magistrate who informed us that we were charged under Section 145, Indian Penal Code, and could go out on bail. The charge under Section 145, Indian Penal Code, came to us as a surprise. So far as the District Magistrate had been acting under the Seditious Meetings Act, and now, all of a sudden, he changed front and instead of proceeding under the latter Act charged us with an offence under Indian Penal Code. The Magistrate granted a remand up to the 7th. This was pre-eminently a case in which no remand was necessary or proper. The District Magistrate had proceeded under the Seditious Meetings Act. He had arrested us personally, and if the Act applied, we were guilty. The case could be disposed of in about an hour's time. But on the 7th of December, we are taken to Court and on this day again another remand was sanctioned. Evidently, the authorities were not yet quite sure of their law, and time was needed to hunt up the law in connection with the case. The District Magistrate and the trying Magistrate and the Police, were not sure if they had got hold of a right section of the Criminal Law to charge us with. So we were locked up in jail and the business of hunting up the law proceeded. On the 13th December, as soon as we entered the Court room, we were told that a complaint under Section 6 of Act 10 of 1911 had been put up by the District Magistrate as complaint. The Magistrate intimated that he would first proceed with that complaint although this was a Summons case and the other a Warrant case. To my mind it is clear that all this had been done after consultation between the law officer of the Crown, the District Magistrate and possibly the trying Magistrate. The prosecution thus took 9 days to make up their mind to the law applicable to the case, and as they were not prepared to take any chances they decided to have two strings to their bow, so that the Magistrate could give heavy sentences.

(4) That on the 16th the venue was shifted to the jail and we were practically tried in camera. In the meantime, Pandit Santanam's brother who had come all the way from Madras and had been refused admission besides being treated most rudely by the Magistrate presented the matter to the High Court Bar Association, and later to the Chief Justice who interceded and pointed out to the Magistrate that it was irregular to hold trials in jails and refuse admission to the friends and relatives of the accused. The District Magistrate again interfered and probably at his insistence the Chief Justice eventually agreed to the trial being continued in Jail provided about 40 to 50 persons were allowed to attend the trial. So in this matter the District Magistrate and the trying Magistrate had to eat the humble pie.

(5) That the prosecution closed their case on the 19th of December. I filed my written statement on the 21st, arguments were heard on the

7 Act X of 1911 and Section 17 Act XIV of 1908, you are hereby directed to arrest him and to produce him before me at the Central Jail on the 31st January.

(Sd.) M.L. Ferrar,  
District Magistrate,  
Lahore

30th January 1922

The endorsement on it by the officer who arrested me is as follows:

Orders complied with and Lafa Lajpat Rai handed over to Superintendent, Central Jail, with order of District Magistrate.

(Sd.) W.G. Clarke,  
D. Additional Supt. Police

31st January 1922

D.M. will require prisoner at 3-30 in the gateway of the Central Jail.

(Sd.) E.G. Gregson,

31st January 1922

Court Inspector,  
Please comply.

(Sd.) W.G. Clarke,  
For Senior Superintendent, Police

Complied with

(Sd.) Devi Dass,  
Court Inspector

30 January 1922

Out of these two offences, one was a Summons case and bailable. The other would also be a Summons case and bailable if the offence was under clause (1), Section 17, Act 14 of 1908, but the warrant conveniently omitted to mention the clause. On the 31st I was produced before the District Magistrate and he sanctioned a remand under Section 167, Criminal Procedure Code, which again is obviously not applicable to the case. He did not ask me if I wanted to be let out on bail. On the 31st when I asked the District Magistrate what were the charges against me, he only mentioned the sections stated in the warrant. In reply to my enquiry as to the clause of Section 17 of Act 14 of 1908, the District Magistrate said he could not say, but the Court Inspector mentioned clause (2).

Section 167, Criminal Procedure Code had no application because the case had been started at the instance of, and by the District Magistrate himself. After the remand had been sanctioned, the Police recorded the first report under Section 154 of the Criminal Procedure Code (See column I of the first report and the concluding remarks) in order to legalise the proceedings under Section 167. No remand was needed as the prosecution relied on my manifesto.

The case for the prosecution was closed on the 7th and 13th was fixed for my written statement. On the 13th I said I did not want to file a written statement. The Court charged me under Section 117 Indian

22nd and judgment reserved for the 4th of January. It was, however, not delivered until the 7th. We were convicted on both counts and I was awarded one year's rigorous imprisonment under Section 145, and six months' simple imprisonment and Rs. 500 fine under the other. The Local Government lost no time in remitting the sentence passed under Section 145 of the Indian Penal Code. The sentence under the other count was also remitted under Section 104 of the Criminal Procedure Code on the 30th January. It was also announced by a communique that the meeting of the kind for which we had been punished did not come under the Seditious Meetings Act. We were all released, I only formally.

Thus four subjects of His Majesty were arrested, prosecuted, convicted and kept in jail for full 59 days before the Punjab Government found that all this was illegal and *ultra vires*.

The questions that arise are.

(a) Was the Punjab Government a party to these arrests and prosecutions? Did they authorise or approve of them?

(b) If so, did they consult their law officers before they sanctioned these prosecutions?

(c) If they did, and the latter approved of these prosecutions why did they so hastily remit the sentence under Section 145 Indian Penal Code? Was this remission an act of clemency or because they found that the conviction was illegal? If the latter, why did they not instruct the Government Advocate to withdraw the case before it reached the stage of judgment? If it was only an act of clemency, why was it not stated in the communique?

(d) If they did not consult their law officers, who was responsible for this omission? The Government or the District Magistrate?

(e) If the District Magistrate, what steps have the Government taken to express their displeasure at this colossal ignorance of law on the part of the District Magistrate, and the trying Magistrate?

(f) What have they done to compensate the accused for all this illegal detention with its attendant trouble, worry and expense?

(g) What steps have the Government taken to apologise and compensate those against whom force was used on the 3rd of December while dispersing the meeting of the Punjab Provincial Congress Committee?

Under (d) we find that the Magistrate who convicted us has been promoted and the District Magistrate is still in charge of the Lahore District.

Under (e) I was re-arrested within only five minutes of my release on charges based on the same document which was the basis of my previous conviction under Section 145 Indian Penal Code. It should be understood that technically both these convictions stand and can be used against the accused whenever the Government chooses to do so.

Now as to the arrest. It was after midnight on the 30th of January, that, I was awakened, taken to the Superintendent's Office and released. As soon as I stepped outside, I was arrested under the following warrant:-

Whereas, Lala Lajpat Rai stands charged with offence under Section

"Orders for 15th February 1922.

(Sd.) G.H. Harris  
Magistrate, 1st class

"13th February 1922,

"On the 15th again be recorded the following order:

15th February 1922

Present—Accused in custody

Mr. Herbert, Government Advocate appears for the Crown.

(Sd.) G.H. Harris

15th February 1922

In the case under Section 17 (1) of Act 14 of 1908 read with Section 117, Indian Penal Code, the Government Advocate has asked for an adjournment in the order to put in a petition on Monday. He also asks that this case be adjourned to Monday and that orders in both cases be based on the same day.

Adjourned to 20th February 1922.

(Sd.) G.H. Harris"

15th February 1922

On the 20th when the case was taken up, the Magistrate asked the Government Advocate that they might first take up the case under the Seditious Meetings Act, which showed that there had again been consultation between the Magistrate and the prosecution between the 15th and the 20th. The order recorded by the Magistrate on the 20th was as follows :

20th February 1922

Present :

Accused in custody

Mr. Herbert, Government Advocate for Crown

(Sd.) G.H. Harris

## ORDER

"Mr. Herbert, Government Advocate, has to-day put in a petition. It is to the effect that this case has been treated as a Summons case but that having regard to the questions put to the accused on 7th February 1922 and the evidence adduced by the prosecution, the case would appear to be really a Warrant case viz., one under Section 7 of Act X of 1911 read with Section 117, Indian Penal Code. The Government Advocate therefore prays that a charge may be framed under the above Sections and the accused called upon to enter on his defence after recalling, if he so desires, any of the prosecution witnesses.

"The accused has asked this Court to note that he wants time to reply to the petition put in by the Government Advocate. It appears to me to be unnecessary to give an adjournment at this stage. I agree with the Government Advocate that this case should have been tried as a Warrant case. From the question put by the Court to the accused on 7th February 1922, the accused, who is a lawyer, knew that the case

Penal Code, Section 17 of Act 14 of 1908. The charge reads as follows:

"That you, on or about the 3rd day of December 1921, at Lahore, did issue a manifesto as President of the Punjab Provincial Congress Committee, which manifesto was published in the "Tribune" of the 6th December 1921, in which manifesto you exhorted every Congress member who was not afraid of the consequences, to enrol himself in the National Volunteer Association which had been declared to be unlawful by Government, and thereby committed an offence punishable under section 17 (1) of the Criminal Law Amendment Act XIV 1908 read with Section 117, Indian Penal Code, and within my cognizance.

"And I hereby direct that you be tried by me on the said charge."

The case was postponed to the 15th for judgment. The Government Advocate wanted to argue but the Magistrate told him it was not necessary. The case was very simple.

What happened between the 10th and 17th, is a mystery. On the 15th as soon as I entered the Court room, the Government Advocate stood up and said that he had nothing to say about the case under the Seditious Meetings Act except that it would be better to decide this also along with the other; but in the case under the Criminal Law Amendment Act he wanted to put in a petition for which he wanted a postponement up to the 20th.

The Court's order was as follows:—

"Judgment in this case is not ready. Mr. Herbert, Government Advocate asks for an adjournment with a view to putting in a petition. He says a mistake has crept into the case which mistake was of course on the part of prosecution which did not correctly represent the case to the Court at the beginning. He asks for the case to be postponed to Monday the 20th February 1922.

Case adjourned to 20th February 1922  
15th February 1922

(Sd.) G H. Harris

All this was done in such a way as to raise a reasonable suspicion that some kind of consultation had taken place between the Magistrate and the prosecution between the 13th and 15th. What was the nature of the consultation can only be known to them.

As to the case under the Seditious Meetings Act, it was all the time treated as a Summons case as it was under Section 100 read with Section 7 of Act 10 of 1911. On the 13th the Magistrate recorded the following order.

13th February 1922

Present

Accused in custody.

Mr. Herbert, Government Advocate for the Crown.

(Sd.) G.H. Harris

"The accused has no right to put in a written statement in a Summons case nor does the accused want to put in a written statement. Accused wants to produce no evidence for the defence.

(Sd.) G.H. Harris  
Magistrate, 1st class

"Orders for 15th February 1922.

(Sd.) G.H. Harris  
Magistrate, 1st class

"13th February 1922,

"On the 15th again be recorded the following order:

15th February 1922

Present—Accused in custody

Mr. Herbert, Government Advocate appears for the Crown.

(Sd.) G.H. Harris

15th February 1922

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Adjourned to 20th February 1922.

(Sd.) G.H. Harris"

15th February 1922

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20th February 1922

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Accused in custody

Mr. Herbert, Government Advocate for Crown

(Sd.) G.H. Harris

# ORDER

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"The accused has asked this Court to note that he wants time to reply to the petition put in by the Government Advocate. It appears to me to be unnecessary to give an adjournment at this stage. I agree with the Government Advocate that this case should have been tried as a Warrant case. From the question put by the Court to the accused on 7th February 1922, the accused, who is a lawyer, knew that the case

against him was under Section 7 of Act X of 1911—117, Indian Penal Code.

"The accused has throughout said that as a non-cooperator he means to take no part in these proceedings. I agree with the Government Advocate that the accused will not be prejudiced, if he is charged to-day and then allowed time to put in any application he likes.

(Sd.) G.H. Harris,  
Section 30 Magistrate

20th February 1922

The new charge framed in this case runs thus:

"That you, on or about the 3rd day of December 1921, at Lahore as President of the Punjab Provincial Congress Committee did issue a manifesto which was published in the Tribune of 6th December 1921, in which manifesto you instigated the public generally to hold public meetings in all places where the Seditious Meetings Act has been applied, in express disobedience of the provisions of that Act and to court arrest and preached the doctrine of civil disobedience, all of which were calculated to cause public excitement and disturbance, and thereby committed an offence punishable under Section 7 of Act X of 1911 read with Section 117, Indian Penal Code, and within my cognizance.

And I hereby direct that you be tried by me on the said charge."

(Sd.) G.H. Harris,  
Special Magistrate,  
With Section 30 Powers

Magistrate's Court, Lahore District.

The 20th February 1922

The amended charge in the other cases runs as follows:

"That you on or about the 3rd day of December 1921, at Lahore, as President of the Punjab Provincial Congress Committee did issue a manifesto which was published in the Tribune of the 6th December 1921, in which manifesto you exhorted every Congress member, who was not afraid of the consequences to enrol himself in the National Volunteers Association, which association is an unlawful association within the meaning of the Criminal Law Amendment Act, Section 17 and essentially the same body as the Congress and Khilafat Volunteers which have been declared to be unlawful by Government and thus abetted the commission of offence by a number or class of persons exceeding ten, punishable under Section 17(1) Act 14 of 1908 read with Section 117, Indian Penal Code, and within my cognizance.

"And I hereby direct you be tried by me on the said charge."

(Sd.) G.H. Harris,  
Magistrate, 1st Class,  
With Section 30 Powers

The 20th February 1922

The Magistrate's Court, Lahore District

It seems that between the 13th and the 15th the Magistrate or the Prosecution discovered:



(1) That on the 3rd and the 6th December the "National Volunteers Corps" had not come into existence.

(2) That it was not declared unlawful until the 16th December on which date an order dated the 12th December was published in the Punjab Government Gazette.

(3) That having been in jail from the 3rd December onwards I could not be held responsible for the bringing into existence of that body or for its activities.

Having discovered this, the prosecution and the Magistrate entered into consultation and resolved upon postponing judgment and remedying the defects. All this was done behind the back of the accused and I have reason to believe that the District Magistrate, the law officers and the trying Magistrate were all parties to it.

The real facts:

That the original notification of the 14th November declaring the association now known as "the Khilafat Volunteers," as unlawful was also defective. Firstly, there was no such association as the "Congress Volunteers." The young men called volunteers were known by different names in different localities. There was no provincial organization as such. Those who worked under the Punjab Provincial Congress Committee, constituted "the Indian National Service". Those who worked under the City Congress Committee, Lahore, were called "Swaraj Sena" (i.e., the army of Swaraj). The matter was discussed at the meeting of the Working Committee of the All India Congress Committee held at Bombay on the 20th November and it was decided to organise the volunteers under an entirely new constitution. (a) They were to be called "National Volunteers Corps." (b) There was to be one unit for the whole province, and (c) under the control of one Central Provincial Board. (d) Every one had to apply in writing signing three separate pledges about non-violence and other matters. (e) All these applications were to be accepted by the Punjab Provincial Board. It will thus be seen that neither the original notification was in proper legal form nor could the second notification have retrospective effect. An independent Magistrate would have declined to allow the prosecution any further time to fill up these gaps. They have been prosecuting me for the last ten weeks and had had ample time to find out both facts and law. The Magistrate, however, was dead to all considerations of justice and fairness. He wanted to please the District Magistrate and the Crown. So he readily consented to all that latter desired and did not give me even one day for reply or objections. Exasperated by this and in a moment of anger, I said I would apply to the High Court for transfer which I never really intended to do. I wanted a postponement in order to know the decision of the All India Congress Committee which I knew was called for the 25th February, before I was finally hurried in a jail cell, I am really sorry for this slip and I hope my countrymen will pardon me for it.

A perusal of Section 117 (I.P.C.) will show that it is not applicable to the facts of this case.

Firstly, assuming that I instigated the people to become volunteers

and to hold public meetings it is obvious that Section 117 implies an action by public as such "collectively and conjointly" (vide 3 Weekly Reporter, Criminal 41) quoted in Rattan Lal's Penal Code. The act of enlistment of volunteers is an individual act of each volunteer. It cannot be performed by the public in their collective and conjoint capacity. Similarly there can be no conjoint and collective lecture or speeches by the public under Section 7 of Act X of 1911.

Secondly, the National Volunteers Association did not come into existence till after the manifesto.

Thirdly, the manifesto expressly stated that no Civil Disobedience was to be committed by anybody except with the previous sanction of the Working Committee.

Fourthly, this very manifesto and the very facts which form the basis of these charges were the basis of conviction under Section 145 of the Indian Penal Code which still stands.

Fifthly, the language of both these enactments is such as to suggest that abetment is a part of the substantive offence. I wonder how many more charges are still hanging over my head for this manifesto. I am however, a willing scapegoat.

So far about my case. I know of other cases also in which the proceeding were outrageously illegal. I know of many cases but I will mention only a few. The first important case was that of Lala Amir Chand which the same Magistrate who originally convicted us, found that "Bradlaugh Hall" was a public place and a Police Officer could enter it at will. The second was that in which the Court premises were held to be a private place and some Muhammadan volunteers were convicted of criminal trespass etc. In another case 25 persons had been arrested under the Seditious Meetings Act and locked up in jail. The Challan mentioned only 20. On the day of judgment, after these 20 had been sentenced, the remaining five asked about their fate. The Magistrate was taken aback, but after a few minutes he proceeded to sentence them also. In another the speech was delivered by a person other than the one punished and the former has come forward to admit the fact. This is the case of Lala Ram Parshad, Joint Editor, "Bande Matram," the judgment was fixed for the 18th. On that day the Magistrate came to know what happened in my case. Who advised him to postpone the case? Was it the District Magistrate? This very Magistrate when he came from another District began to give comparatively light sentences—light from the point of view of the prosecution. After a few days he suddenly changed and began to give heavy sentences. The question is: who interfered? Does it prove the purity and independence of judicial proceeding?

I was re-arrested on the morning of the 31st January, 1922. For 3 or 4 days all applications for interviews whether by friends, relatives, or lawyers, were refused. After that the prohibition was relaxed in favour of lawyers. During all these days from the 31st up to the date of judgment I have not been allowed even one interview with my relatives or friends which means that even the Jail Manual was suspended in my case. This has been done, I am told under the orders of the Government. I have

several times asked the Jailor to tell me if I had been guilty of any breach of Jail regulations to deserve that punishment. But he has failed to give any satisfactory reply. In face of all this, to pretend that they are administering justice in accordance with law is simply preposterous. As I said it would be more in keeping with truth and would enhance the dignity and prestige of the Government if the latter were to say that by reason of non-cooperation we had forfeited all claims to be treated in accordance with law, and so far as we were concerned, all laws, rules and regulations had been suspended. That will save much unnecessary trouble on both sides.

Lajpat Rai

### *Statement of Lala Lajpat Rai*

Magistrate.—Mr. Lajpat Rai, you will put in a written statement?

Lalaji.—Well, I have a written statement and I decline to show it to anybody before I read it.

Mr. Herbert.—If Lala Lajpat Rai will give a guarantee as to what is given in the statement is relevant and there is no irrelevant matter and also it does not preach sedition among the people here, I would allow him to read his statement.

Lalaji.—My statement does not contain any sedition. I do not know the definition of "irrelevant," when all the speeches are recorded, why should not this one?

Magistrate.—First let me see the statement and then you may read it. (After consulting a book) The accused must show his statement before he reads it out.

Mr. Herbert.—Then take down his verbal statement if he wants to give any.

Magistrate.—I do not know what object will be served by that. If the accused does not show his statement, then he will give verbal statement from the material he has got down in his statement.

Mr. Herbert.—He must not go beyond limits, if he has to give a verbal statement. He has also answered to the questions put by the Court. I object to Mr. Sleem's having a controversy with the accused.

Lalaji.—I protest against this procedure of the Court. I do not mean any disrespect to the Court nor Mr. Sleem, but I like to say that there have been many political cases in the Province where such controversies have happened, why do you take exception to this case?

Pandit Santanam.—I would like to join in this protest because I do not want to take advantage of any sort of help given on my behalf whether at my instance or any body else's.

Magistrate.—Mr. Santanam, I am seeking help not for you but for the court.

Magistrate.—Mr. Lajpat Rai, were you the President of the Punjab Provincial Congress Committee held in Saleem buildings on the 3rd December, 1921.

Lalaji.—I am sorry I cannot answer any question put by the Court. This means no discourtesy to the Court, but is in accordance with the

practice followed by the non-cooperators throughout India. The statement which I am going to make or put in contains all the facts bearing on the case.

Magistrate.—Well, I shall let you read that statement out, but unless it is handed over to me first, I am sorry I cannot allow you to read that.

Lalaji.—All right. I hand you over the statement.

Magistrate.—(After perusing the statement) I am not going to allow you to read out this statement. This is not the platform to indulge in political speeches.

Lalaji.—This is a political case.

Magistrate.—Quite so, I am not concerned with the doings of people other than those who are concerned with the case. I am not going to allow you to read this part of the statement.

Lalaji —I am not going to read anything at all. I leave the document to you

### *Supplementary Statement*

The following is the full text of the written statement filed by Lala Lajpat Rai in Court:

I should like to mention some facts in addition to those mentioned in my statement of the 12th instant:

On the 4th ultimo, a meeting of the All India Congress Committee was held and by a Resolution of that meeting, Provincial Congress Committees were authorised to permit Civil Disobedience to individuals and in such areas as fulfilled certain conditions. It was understood that Civil Disobedience meant disobedience of laws and orders involving no moral turpitude in such a manner as to exclude all possibility of violence or breach of the peace. On the 17th November 1921 riots occurred in Bombay and the whole question was reconsidered at a meeting of the Working Committee of the Indian National Congress held in that city. The Committee after discussion decided that no province should embark on mass Civil Disobedience without first making sure of a non-violent atmosphere. This practically meant that the idea of mass Civil Disobedience was temporarily abandoned. Civil Disobedience by individuals was left in the hands of the Provincial Congress Committees but the general impression was that it would be difficult to start Civil Disobedience even in individual cases unless the Government foolishly passed repressive orders and thus give an opportunity for Civil Disobedience. Before the Committee dispersed, news came that the Bengal Government had declared the Congress and Khilafat Volunteer Organisations unlawful assemblies under the Criminal Law Amendment Act of 1908. There and then leaders recognised that this was a splendid opportunity.

On my arrival at Lahore, I found the Punjab Government had gone one better for, besides declaring the Volunteer organisation unlawful, they had proclaimed the Districts of Lahore, Amritsar and Shekhupura under the Seditious Meetings Act. Believing as we do that this was the beginning of an attempt to break the only political organisation in the country, viz., the Congress, we decided to start Civil Disobedience by

disobeying the orders of the Government under these Acts, and a meeting of the Executive Council of the Provincial Congress Committee held on the 27th November 1921 passed a resolution to that effect. It was also resolved to reorganise our Congress and Khilafat Volunteers on the basis of instructions given by the Working Committee of the All India Congress Committee at its sitting on the 23rd November 1921. We further decided that in order to eliminate all chances of violence and breach of the peace, only very small meetings should be held and the attendance as a general rule should be so arranged as not to let in any one who was not ready and willing to be arrested and was not pledged to non-violence. After this meeting was over it occurred to me that it would be better to explain all these precautions in a more representative meeting of the Provincial Congress Committee in order to still further reduce any chance of violence, so as to afford no opportunity to our opponents. I also wished to call a meeting to make arrangements for filling all vacancies occurring owing to arrest of office-bearers and members of the Committee. I therefore, directed the secretaries to issue a notice for an emergency meeting of the Provincial Congress Committee to be held on the 3rd December 1921 at 2 p.m. On the 2nd December one of the secretaries received the first letter of the Deputy Commissioner of Lahore in this connection. On the same day a reply was sent.

A meeting of the Working Committee of the Provincial Congress Committee was held to consider the situation created by this correspondence. Those present unanimously resolved that if the Deputy Commissioner took the threatened action of prohibiting the meeting, his order should be disobeyed. Drafts of resolutions were approved and Aga Mohammad Safdar was nominated to act as President, in case I was arrested. On the morning of the 3rd at about 11 a.m., a second letter from the Deputy Commissioner was received. This was immediately replied to.

I should like to point out that there was no occasion for the Deputy Commissioner to apprehend either a disturbance or what he chose to style "public excitement" in connection with a meeting of the Provincial Congress Committee. No such disturbance has ever taken place to the best of my knowledge in the whole history of the Congress Committee whether in the Punjab or in other Provinces, in particular, at present when the Congress has adopted the creed of non-violence, of which fact the Deputy Commissioner must have been aware, there was still less reason for any reasonable person to apprehend any disturbance or excitement.

I proceeded along with others to the place of the meeting and received the final notice prohibiting the meeting at 1-40 p.m. In the meantime, we had discussed the whole situation and were only waiting for 2 p.m. to strike to formally adopt the resolution and the manifesto. At 2 p.m. punctually the resolution and the manifesto were formally passed and we sat there in silence awaiting the advent of the Deputy Commissioner who personally arrived with a strong force of European and Indian Police.

In this connection, I must state that the laws of the bureaucracy are not binding on the Indian people either morally or by the law of nations.

No laws are binding upon any people which are not passed either by themselves or by their representatives in a body properly constituted by their will. At the same time we had no intention of starting this campaign of Civil Disobedience had the bureaucracy left us any choice in the matter. The bureaucracy can break its own laws and act lawlessly with impunity. They can murder our men and women, they can flog our children without rhyme or reason. They can insult our women and spit on their faces, they can humiliate us by passing crawling orders. They can treat us as cattle in their Jails, even the vilest of them can act the tyrant and then go scot-free without any punishment. Their most heinous crimes are mere "errors of judgment, and the worse that can happen to any of them is retirement on handsome pensions to be paid by us out of our hard-earned incomes. But if an Indian was to cross the will of a bureaucrat, however slight his offence may be, he is liable to be insulted, kicked, handcuffed in chains and finally lodged in a Jail, where he is made to lead the life of a beast of burden, while the lowest of the Europeans lives in the near vicinity in comfort and comparative luxury. One has only to compare the food, the dress, the bedding, the accommodation and the other facilities allowed to a European prisoner with those of an Indian in Indian Jails. All talk of racial equality in this country is hypocritical nonsense. The Viceroy talks of being in the habit of placing himself in the position of others. Let him, if he can, place himself in the position of an Indian prisoner in the Lahore Central Jail and he will find out whether there is justification for Civil Disobedience for us or not. Yet we were determined not to start Civil Disobedience, if the Government had only allowed us to proceed with the work of political organisation as laid down by the Indian National Congress. The recent orders passed under the Criminal Law Amendment Act and the prevention of the Seditious Meetings Act leave us only two alternatives, either to stop the work of the Congress altogether or to go to Jail. As honourable men determined to win our freedom we have chosen the latter course and we are glad we do so. We feel we have already won more than half of the battle. The prestige of the bureaucracy is in the dust to-day and they can only rule us in defiance of the laws of Justice by the use of force. Public meetings are being held in Lahore and Amritsar almost every day, and volunteers are parading in streets day and night in defiance of the orders promulgated by the Punjab Government, receiving blows and wounds and insults from the police and the military but not retaliating with violence. The Government has not got the courage to arrest all of them and have started the brutal policy of beating them, which however has not succeeded in its objects. I am not sorry for what I did. I crave no indulgence either from the Government or the Court, and do not want to be let out of Jail as long as the present policy of the Government continues. To every truly patriotic Indian, India has already become a vast prison house. I feel I can serve my country better inside the Jail than outside it.

I have deliberately omitted to make any mention of the many illegalities and irregularities committed by the Prosecution and the Court in the course of the trial."

## APPENDIX XIV

### EFFECT OF BOYCOTT IN LANCASHIRE

#### *Some Gleanings from the Press*

It is not without reason that Lancashire is taking extra interest in Indian politics. The boycott is already telling

The following firms at Manchester have gone into liquidation: Messrs. Alexander Graham and Co., Ltd., for £-770,000.2. Messrs. Ros Howeth and Co., for £83,77 and Messrs. Thomas Dinnin and Co. Ltd. for £186,666. These were all cotton manufacturing firms.—“Rangoon Mail.”

#### HOW BOYCOTT IS TELLING

Mr. J.A. Ormerod, a well known spinner and manufacturer at Blackburn, told an “Evening Chronicle” representative that instead of the boycott in India being at an end it was worse than ever.

At the present time, he said, we had got cheap cotton which taking into consideration the exchange was practically at pre-war price, and the grey cloth was cheap.

“Traders in India are not buying”, he added, “because the boycott is on Indian (sic) who is our chief customer, and Lancashire never makes money unless India is in the market.

“At the present moment, more than half the looms of Blackburn are idle, and that position will not be remedied until the Government get to the root of the cause of the unrest in India.

Unless that trouble is speedily settled half the Lancashire manufacturers will go into Bankruptcy Court,”—Manchester, Evening News.

#### LANCASHIRE DEPENDENT ON INDIAN ORDERS

##### *“Mills Cannot Run Full Time”*

The Manchester correspondent of the ‘Monitor,’ of Boston, writes: “Everything seems to depend on India. When will India make a bid for more cloth? India makes no demand for goods. There are British cotton fabrics in Indian ports valued at £20,000,000 and until these are removed there will not be much chance of fresh demand being made. . . . As long as India keeps out of market. Lancashire cotton mills cannot run full time.”

#### LANCASHIRE TEXTILE WORKERS' DECLARATION

London, Aug. 22

A Manchester report states that the Textile Workers' Association recommends, in a public declaration, on behalf of the Textile Workers of Lancashire that they favour not only the encouragement and develop-

ment of self-government for India but also peace with Turkey, Turkish self-control in her own territories, provided that she guarantees that the rights of minorities shall be safeguarded. By such means they believe India could be pacified and the Indian people made friendly to Britain. At present, not only India but the whole of Middle East is unfriendly, and the consequences of our policy, if pursued on the present lines, must inevitably be a catastrophe for Lancashire textile workers.

### WAKE UP, INDIA!

"At a conference of textile workers at Blackpool, to-day, Mr. Walter Gee President, said that the cotton trade would not recover until the constant fluctuations of foreign exchanges were ended. Cotton operatives were in a worse position than in pre-war times. The Council reported that the political and religious agitation in India had raised a feeling that was most inimical to Lancashire trade. The President stated that textile-workers were in favour of development of Indian self-government."

"A Manchester report states that the Textile Workers' Association recommends in a public declaration, on behalf of the Textile Workers of Lancashire, that they favour not only the encouragement and development of self-government for India but also peace with Turkey, giving Turkey self-control in her own territories, provided that she guarantees the rights of minorities. By such means they believe India could be pacified and the Indian people made friendly to Britain. At present not only India but the whole of Middle East is unfriendly, and the consequences of our policy, if pursued on the present lines, must inevitably be a catastrophe for Lancashire textile workers."

"The Executive of the United Textile Factory Workers' Association in their annual report draw attention to the conclusions reached by four Labour Members of Parliament who investigated the cotton relations between Lancashire and India.

"The Labour M. P.s have recommended a public declaration on behalf of the Lancashire textile workers affirming that they favour the encouragement and development of self-government in India and peace with Turkey giving her control over her own territories provided the rights of the minorities are safeguarded.

It is pointed out that the Labour M. P.s who investigated the problem consider that India could thus be pacified as a whole and the Middle East made friendly towards England. The M. P.s aver that the consequences of the English policy if pursued on the present lines will inevitably result in a catastrophe for Lancashire textile workers.—"Times of India" Special Cable.